



Review of current management, and development of future management, related to the cockle fisheries within the Kent and Essex IFCA District.

# **CONSULTATION 2**

## **Evaluation and Summary**

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## Background information and guidance

***“KEIFCA will seek to maintain both sustainable cockle fisheries in the KEIFCA district as well as the wider ecosystem it relies on; through this, support a viable local cockle industry, recognising its important long-term contribution to coastal communities, and providing skilled employment.”***

### Overview of cockle management development process

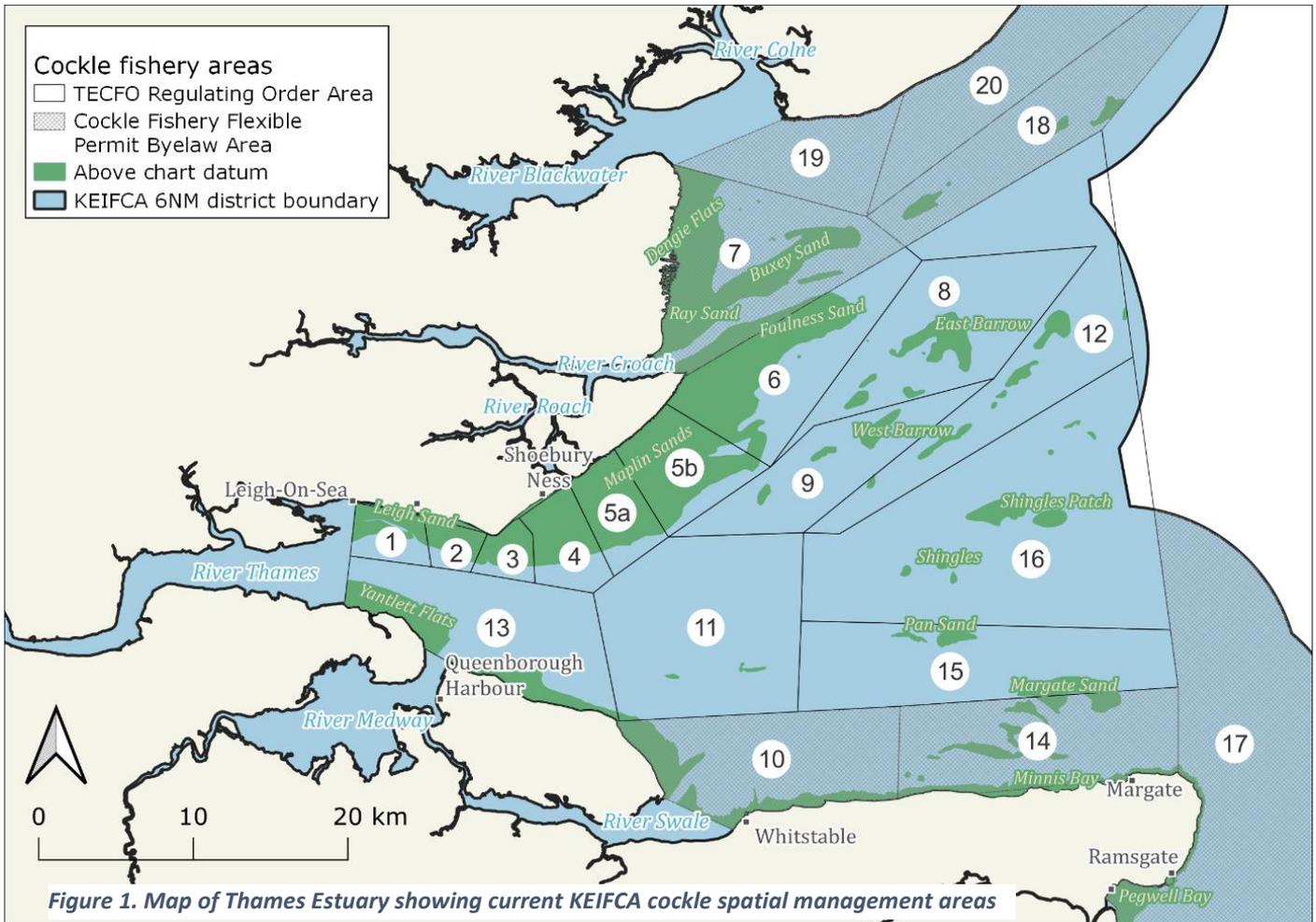
Legislative Framework Phase	<p><b>Consultation 1</b></p> <p><i>Agree initial framework model outlines</i></p> <p>(24 March – 9 May 2022)</p>	<p>The first step reviewed and evaluated a range of different management framework models for managing cockle fisheries within the KEIFCA District. The key features included the size and shape of any specific management zones, the type of fishing gear (e.g. suction dredge or other fishing method), whether access to an zone would be limited and if so to what kind of number/ range of licences or permits would likely be issued. Finally, whether the IFCA would use a regulating order or byelaw to manage the area.</p> <p>Following an extensive consultation and a special Authority meeting, the Authority voted for three framework models to be developed further in Consultation 2; New Jamaica, New Haiti and New Bermuda (all these options included a commitment to make a new regulating order). The Authority also agreed to develop a small-scale fishery in the area outside the regulating order, using the current flexible permit byelaw rather than running a small-scale trial.</p>
	<p><b>Consultation 2</b></p> <p><i>Agree access arrangements for framework models and a single framework to take to next stage</i></p> <p>(22 July – 16 Sept)</p>	<p>Consultation 2 explores the different methods, systems, or criteria that the Authority might use to manage, limit or control access to a specific cockle management zone. Building on the decisions made in Consultation 1, the wide range of different possible access arrangements or criteria for potential licence holders can be thoroughly discussed and evaluated within the context of each agreed framework model.</p> <p>This is a complex legal area with very far-reaching long-term consequences which can not only impact current fishermen, but also has the potential to impact a generation of future fishermen. The Listening Phase highlighted that this was an area poorly understood by fishers outside of the current cockle fishery and it was important to spend time to clearly work through the mechanisms, outcomes and impacts upon different sectors, of different possible access arrangements. At the end of this step in the process the Authority would agree the final framework model and access arrangements/ criteria to develop further during the technical development phase.</p>
Technical detail development Phase	<p><b>Consultation 3</b></p> <p><i>Agree key features and detail of the agreed framework model.</i></p> <p>(13 Dec 22 – 31 Jan 23)</p>	<p>One of the key issues that has been raised throughout the Listening Phase are whether operators that acquire a licence could transfer that licence in the future either to an individual like a family member or via the purchase of their company. Having a clear management framework model with agreed access arrangements/ criteria will help inform this decision and allow a focused debate on what can be a very emotive discussion with very strong views on either side.</p> <p>Other important areas of detail that would need to be discussed and agreed include the fine detail concerning the review of the legislation, the access arrangements/ criteria and finalising the regulating order boundary with specific coordinates.</p>
	<p><b>Consultation 4</b></p> <p><i>Agree operational technical details and final wording</i></p> <p>(10 May – 20 June 2023)</p>	<p>The fourth consultation focuses on the practical day-to-day details of how the cockle fishery will be managed and run. This step would review regulations concerning the gear and equipment used in the fishery, fishing trip details (amount per trip, landing procedure etc) and management procedures/ management plan. There would also be an ambition to have a draft wording of the proposed legislation and a draft Impact Assessment for comment.</p>

### Statutory consultation phase

Once the final text of the proposed option has been agreed by the KEIFCA members then the legislation will be taken through the appropriate statutory consultation and confirmation process for a Regulating Order.

## Overview

Cockle stocks within the KEIFCA District are currently managed under two different legislative management regimes. The cockle stocks in the majority of the District are managed under a KEIFCA byelaw called the Cockle Fishery Flexible Permit Byelaw (CFFPB). However, the main production beds, which are contained within a specific area of the Thames Estuary, are managed by KEIFCA under a Statutory Instrument called the Thames Estuary Cockle Fishery Order 1994 (TECFO).



On the 28 September 2024 the TECFO, which started in 1994, will end. Although this is two cockle seasons away, the ending of the TECFO provides an opportunity to review how cockle stocks are managed, as well as the underpinning legislation, across the District including within the current TECFO area.

The process of reviewing, and then developing, future management started with an evidence-gathering exercise or 'Listening Phase' where KEIFCA gathered views and ideas from a wide range of stakeholders. Specifically, we wanted to understand what works well within the current fisheries management systems and where stakeholders believed changes need to be made. The Listening Phase ran from the 27 September until the 8 November 2021 and feedback from the Listening Phase provided the starting point for Consultation 1 which reviewed numbers of fishing vessels, gear type, access criteria and type of legislation and areas of management.

Following an extensive consultation process, seven options were put to the vote at a special Authority meeting held on the 14 June 2022 and three options were selected to go through to the next step in the process, Consultation 2.

The options outlined in this consultation reviewed a range of different systems for issuing licences and looked in detail at the use of different types of track record as a mechanism to issue future licences. Members reviewed feedback from the Listening Phase as well as the evidence in

- Spatial Distribution and Stock Review of cockles in the Kent and Essex district Report
- Economic Performance Report – Seafish

- Review of environmental impacts of hydraulic suction dredging for cockles - KEIFCA District

Using this information, Members then agreed the detailed options that would be included in this consultation document. These detailed options are laid out on the following pages, and each option can be read as a stand-alone piece of information or with reference to the other options. All should be read with reference to the small-scale flexible permit fishery information on page 14 and 15 as well as the appendices attached to the main document.

## Consultation 2

Consultation 2 started on the 21 July 2022 with just over 200 emails being sent out to stakeholders and the consultation document going live on the bespoke KEIFCA cockle consultation website. Different to previous consultations, senior officers arranged and promoted a 3-day opportunity between the 27 to 29 July where stakeholders could arrange a time to chat with an officer, who then explained the consultation document on a one-to-one basis. This process was aimed at supporting stakeholders navigate the complex legal area of licence allocation, which the Listening Phase highlighted was poorly understood. Stakeholders were able to book a specific time to talk to officers, either in person at the Ramsgate or Brightlingsea office, or over a Zoom/Teams/Facetime call. Although only three stakeholders booked and attended these meetings, the feedback was that stakeholders that found them very useful. The oral evidence hearing was held on the 8 September at the Inn on the Lake just outside Gravesend and nine stakeholders gave evidence.

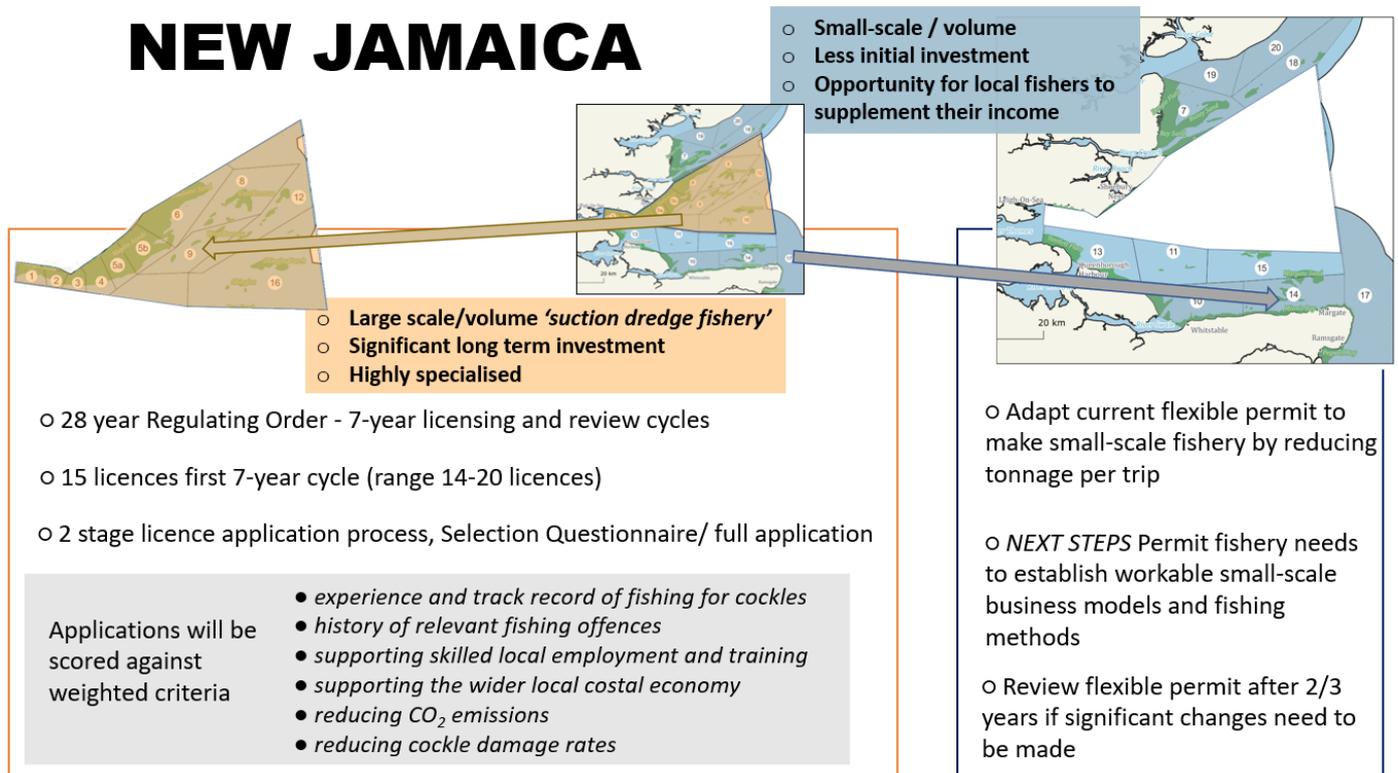
Throughout the process senior KEIFCA officers worked closely with current and former KEIFCA Members and members of the local fishing industry to make stakeholders aware of the consultation, to help fishers engage in the process and to answer any questions regarding the consultation. Additional effort was made to engage with fishers that had expressed an interest in the fishery in the Consultation 1 and Listening Phase, including re-sending emails or phoning up key individuals that could pass on information to others. By the end of the 6-week consultation a total of 606 emails, 227 e-bulletins and 202 copies of the questionnaire were sent. Consultation 2 finished on the 16 September.

In general, the engagement process seems to have gone well and we have had feedback from across the spectrum of the cockle industry as well as engagement with local finfish and shellfish operators. In total we had 56 consultation responses and 3 letters. We would also like to thank IFCA Members that gave up their time to support the oral evidence hearing, Band Agency for putting in extra time and effort into the project and special thanks also go to Phil Haupt for his report.

# Framework options

## NEW JAMAICA Option

This option divides the cockle fisheries within the District into two zones; one of which would be run using a regulating order and the rest of the District which would be run using a flexible permit byelaw. Under this option a new regulating order (Outer Thames Regulating Order 2025 (OTRO 2025)) would replace the current TECFO. The Northern and Eastern boundaries are similar to the current TECFO boundaries, enclosing the main cockle beds of the Maplin Sands complex and managing these beds as a coherent biological unit, however the Southern boundary would be positioned further north (see Comparing the Options section) and not include areas like the Margate Sands (Area 15), and Scrapsgate (Area 13). This would mean the flexible permit byelaw area would include potentially high yielding but highly variable cockle beds of large cockles in the Margate Sands (Area 15) and the relatively consistent but lower level productivity beds of the Buxey and the Dengie (Area 7) and Area 13, with the potential of an emerging clam fishery in both of those areas.



## Structure of the Outer Thames Regulating Order 2025 (OTRO 2025)

The new regulating order would be designed to run for 28 years (2024 - 2052) and be split into four 7-year licencing cycles. The current consultation process will determine the number of licences issued for the first 7- year cycle (2025 – 2032) and thereafter the number of licences for each subsequent 7-year cycle will be decided upon by the Authority after undertaking a thorough review, starting about 18 months prior to the start of the next 7- year cycle (see Appendix 1 for more detail).

It is proposed that the process for issuing licences should follow, where possible, the standard Kent County Council process for issuing licences or contracts where applicants are invited to complete a Selection Application (SA) with successful applicants then invited to complete a more detailed Full Application (FA) (See Appendix 2 for full application process).

Applications will be assessed by an Applications Panel using the details and evidence provided covering areas such as experience and track record of fishing for cockles, history of relevant fishing offences, supporting skilled local employment and training, supporting the wider local costal economy, and taking steps to reduce CO<sub>2</sub> emissions and cockle damage rates (See Appendix 3 for full details).

### Consideration of the number of licences to be issued in the new Regulating Order

After reviewing feedback from the Listening Phase as well as considering the history, experience and environmental impact of suction dredge cockle fisheries, Authority Members concluded that a large increase in suction dredgers could have a significant negative impact on the long-term sustainability of the Thames cockle fishery. In response to this, members agreed that it was important to cap or limit the number of suction dredge licences that would work in the potential OTRO 2025 area. In Consultation 1 members agreed to a range of 14-20 suction dredge licences within the new regulating order.

As part of developing Consultation 2, Members reviewed and weighed up environmental and economic information concerning the number of licences to issue for the first 7-year cycle. This was a very difficult decision, especially as the majority of the fishery takes place within internationally important Marine Protected Areas. However, the Authority agreed to the issuing of 15 licences for the first 7-year cycle (2025-2032), with the requirement that significant monitoring and evidence gathering should be put in place to help inform the licence review process in 2032.

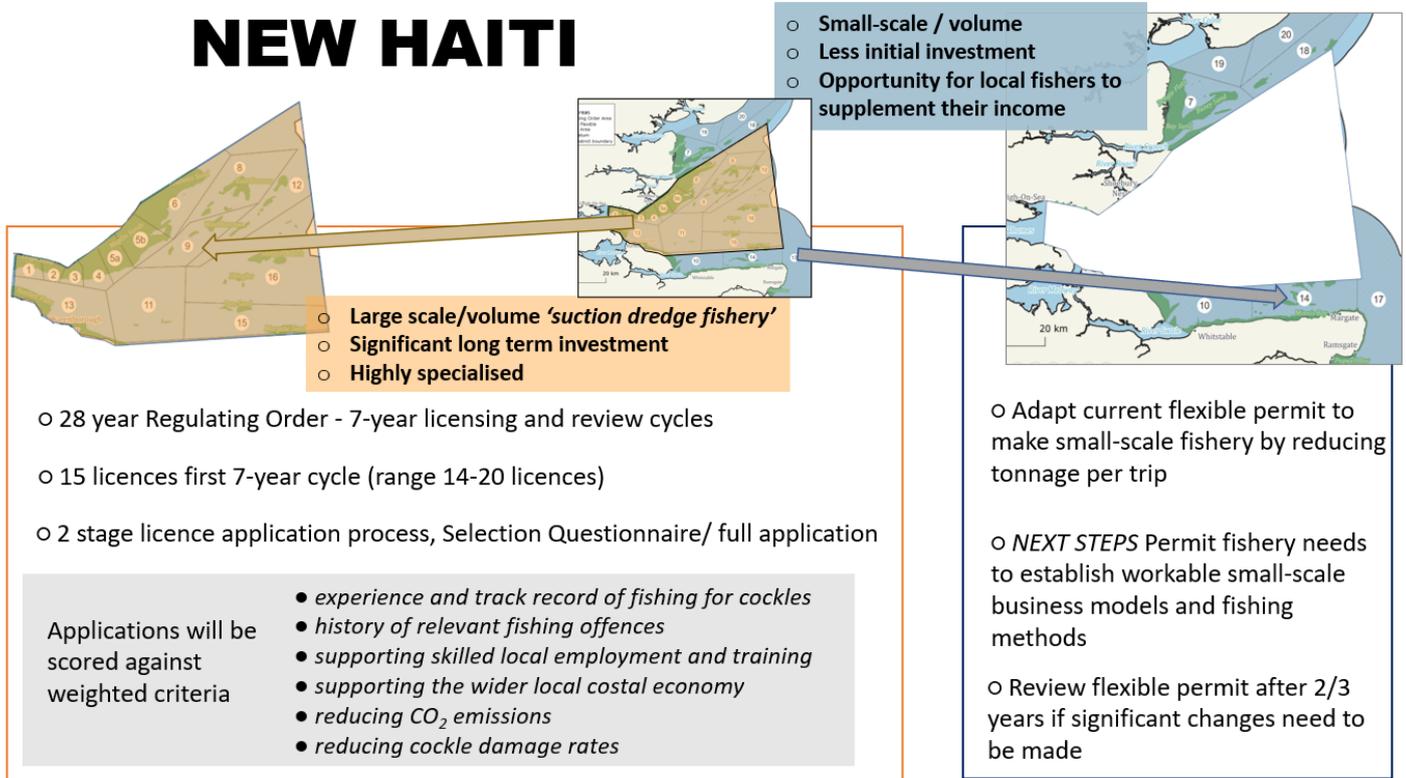
Both the TAC and the value of cockles landed can vary significantly from year to year - the Seafish-produced 'Economic Performance Report' gives an overview of this variation over a 10-year period. Issuing 15 licences would mean that the annual TAC would be divided evenly between 15 license holders rather than between 14 licence holders, as done presently, resulting in a proportionate reduction in tonnes of cockles landed per licence. In a similar way but for the environment, the 'Review of environmental impacts of hydraulic suction dredging for cockles – KEIFCA District' document attempts to look at the impacts of increasing the number of licences on the wider ecosystem (within an annual TAC system where the TAC was split evenly between the number of licences issued). Both these documents are available on our consultation website <http://cocklereview.kentandessex-ifca.gov.uk/>.

### The small-scale permit fishery running outside the new Regulating Order

Whilst the detail above provides an outline of the New Jamaica framework and how it affects primarily the area within the OTRO, the option also includes areas outside the OTRO which will be managed using a flexible permit byelaw. The detail of how the small-scale flexible permit byelaw fishery would work around is outlined on pages 14 and 15.

## NEW HAITI Option

This option divides the cockle fisheries within the District into two zones; one of which would be run using a regulating order and the rest of the District which would be run using a flexible permit byelaw. Under this option a new regulating order (Outer Thames Regulating Order 2025 (OTRO 2025)) would replace the current TECFO. Under this option the boundaries of the new regulating order would be the same as the current Thames Estuary Cockle Fishery Order 1994 (TECFO 1994) boundary. This would mean that the Margate Sands (Area 15), and Scrapsgate (Area 13), as well as Area 11, would be within the OTRO boundary and come under the management and licensing regime of the new regulating order.



## Structure of the Outer Thames Regulating Order 2025 (OTRO 2025)

The new regulating order would be designed to run for 28 years (2024 - 2052) and be split into four 7-year licencing cycles. The current consultation process will determine the number of licences issued for the first 7- year cycle (2025 – 2032) and thereafter the number of licences for each subsequent 7-year cycle will be decided upon by the Authority after undertaking a thorough review, starting about 18 months prior to the start of the next 7- year cycle (see Appendix 1 for more detail).

It is proposed that the process for issuing licences should follow, where possible, the standard Kent County Council process for issuing licences or contracts where applicants are invited to complete a Selection Application (SA) with successful applicants then invited to complete a more detailed Full Application (FA) (See Appendix 2 for full application process).

Applications will be assessed by an Applications Panel using the details and evidence provided covering areas such as experience and track record of fishing for cockles, history of relevant fishing offences, supporting skilled local employment and training, supporting the wider local costal economy, and taking steps to reduce CO<sub>2</sub> emissions and cockle damage rates (See Appendix 3 for full details).

## Consideration of the number of licences to be issued in the new Regulating Order

After reviewing feedback from the Listening Phase as well as considering the history, experience and environmental impact of suction dredge cockle fisheries, Authority members concluded that a large increase in suction dredgers could have a significant negative impact on the long-term sustainability of the Thames cockle fishery. In response to this, Members agreed that it was important to cap or limit the number of suction dredge licences that would work in the potential OTRO 2025 area. In Consultation 1 members agreed to a range of 14-20 suction dredge licences within the new regulating order.

As part of developing Consultation 2, Members reviewed and weighed up environmental and economic information concerning the number of licences to issue for the first 7-year cycle. This was a very difficult decision, especially as the majority of the fishery takes place within internationally important Marine Protected Areas. However, the Authority agreed to the issuing of 15 licences for the first 7-year cycle (2025-2032), with the requirement that significant monitoring and evidence gathering should be put in place to help inform the licence review process in 2032.

Both the TAC and the value of cockles landed can vary significantly from year to year - the Seafish-produced 'Economic Performance Report' gives an overview of this variation over a 10-year period. Issuing 15 licences would mean that the annual TAC would be divided evenly between 15 licence holders rather than between 14 licence holders, as done presently, resulting in a proportionate reduction in tonnes of cockles landed per licence. In a similar way but for the environment, the 'Review of environmental impacts of hydraulic suction dredging for cockles – KEIFCA District' document attempts to look at the impacts of increasing the number of licences on the wider ecosystem (within an annual TAC system where the TAC was split evenly between the number of licences issued). Both these documents are available on our consultation website <http://cocklereview.kentandessex-ifca.gov.uk/>.

#### The small-scale permit fishery running outside the new Regulating Order

Whilst the detail above provides an outline of the New Haiti framework and how it affects primarily the area within the OTRO, the option also includes areas outside the OTRO which will be managed using a flexible permit byelaw. The detail of how the small-scale flexible permit byelaw fishery would work around is outlined on pages 14 and 15.

## Why are there now two versions of NEW BERMUDA?

At the 14 June Authority meeting, Authority Members voted to include the NEW BERMUDA option in the Consultation 2 process. The key component of the NEW BERMUDA option was that the number of licences would be fixed at 14 for the duration of the order. When different access mechanisms were added to the NEW BERMUDA framework Authority Members felt strongly that two versions of the NEW BERMUDA option should be included in the consultation and voted for both the New Bermuda 7 option and the New Bermuda 28 option at the Special Authority meeting on the 7 July 2022.

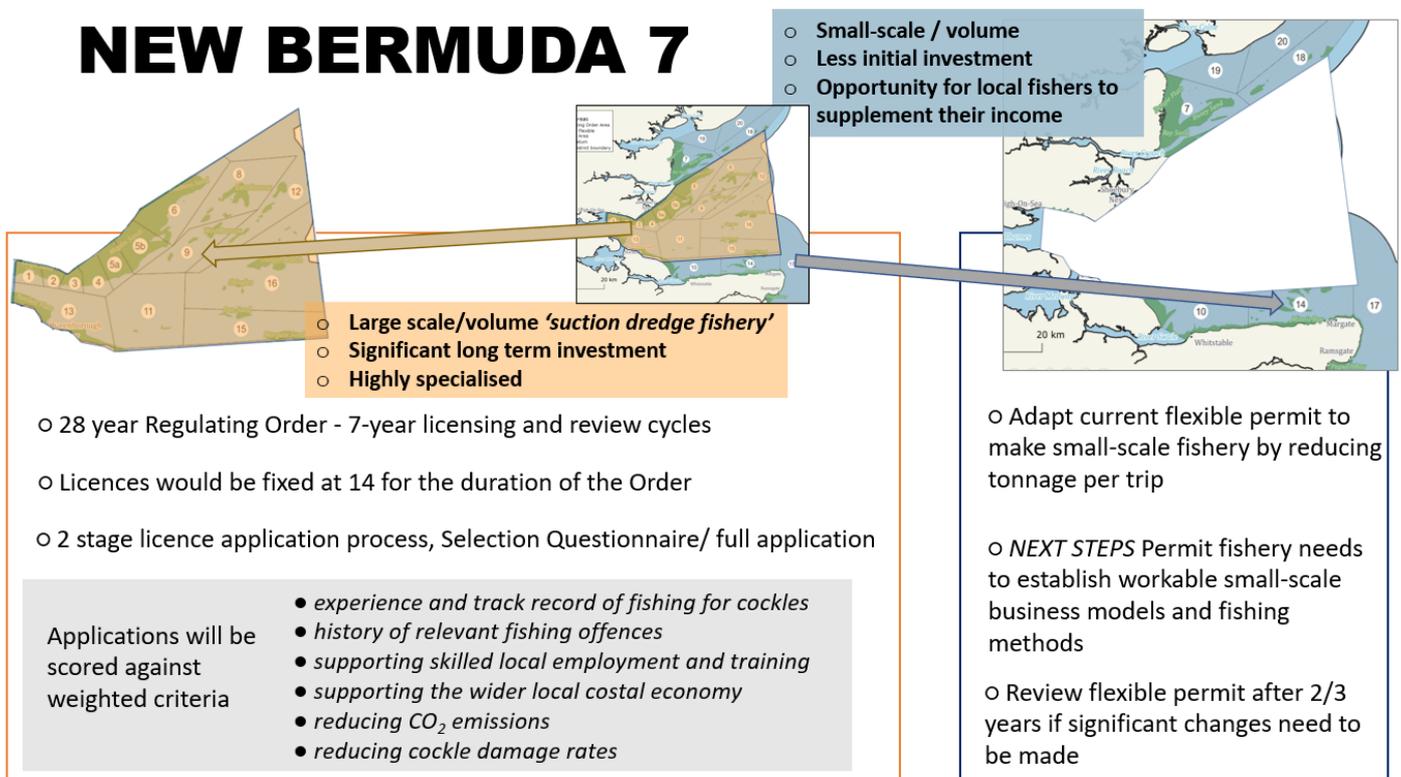
NEW BERMUDA 7 includes the 7-year review cycle as per the NEW JAMAICA and NEW HAITI options already outlined. This would mean that although the number of licences issued would be fixed at 14, every 7 years there would be an open application licence process.

NEW BERMUDA 28 replicates the access system that has been used in the TECFO. Effectively this would create a system whereby the current TECFO licence holders would maintain a licence for the next 28 years and there would be no process or ability to review the number of licences.

## NEW BERMUDA 7 Option

This option divides the cockle fisheries within the District into two zones; one of which would be run using a regulating order and the rest of the District which would be run using a flexible permit byelaw. Under this option a new regulating order (Outer Thames Regulating Order 2025 (OTRO 2025)) would replace the current TECFO. Under this option the boundaries of the new regulating order would be the same as the current Thames Estuary Cockle Fishery Order 1994 (TECFO 1994) boundary. This would mean that the Margate Sands (Area 15), and Scrapsgate (Area 13), as well as Area 11, would be within the OTRO boundary and come under the management and licensing regime of the new regulating order.

# NEW BERMUDA 7



## Structure of the Outer Thames Regulating Order 2025 (OTRO 2025)

The new regulating order would be designed to run for 28 years (2024 - 2052) and be split into four 7-year licencing cycles. The number of licences issued throughout the 28-year period of the regulating order will be fixed at 14 licences and there would be no review process or ability to review the number of licences included in the wording of the regulating order. However, this option keeps the same 7-year licencing cycle whereby there is an open licence application process prior to the start each 7-year cycle.

It is proposed that the process for issuing licences should follow, where possible, the standard Kent County Council process for issuing licences or contracts where applicants are invited to complete a Selection Application (SA) with successful applicants then invited to complete a more detailed Full Application (FA) (See Appendix 2 for full application process).

Applications will be assessed by an Applications Panel using the details and evidence provided covering areas such as experience and track record of fishing for cockles, history of relevant fishing offences, supporting skilled local employment and training, supporting the wider local costal economy, and taking steps to reduce CO<sub>2</sub> emissions and cockle damage rates (See Appendix 3 for full details).

### Consideration of the number of licences to be issued in the new Regulating Order

After reviewing feedback from the Listening Phase as well as considering the history, experience and environmental impact of suction dredge cockle fisheries, Authority Members concluded that a large increase in suction dredgers could have a significant negative impact on the long-term sustainability of the Thames cockle fishery. In response to this, Members agreed that it was important to cap or limit the number of suction dredge licences that would work in the potential OTRO 2025 area. As part of the NEW BERMUDA option, Authority Members agreed to fix the number of licences for the duration of the regulating order at 14 licences.

While keeping or fixing the number of licences issued at 14 maintains the current environmental impact of the suction dredge fishery and provides a reliable and significant income to each licence holder, keeping the number of licences issued at 14 for the next 28 years does remove the opportunity for the Authority to review and adapt management if circumstances change in the future. Although the proposed new 7-year licensing cycle does provide a new opportunity for different businesses to enter the fishery, the opportunity would be greater if there was the option to vary the number of licences issued.

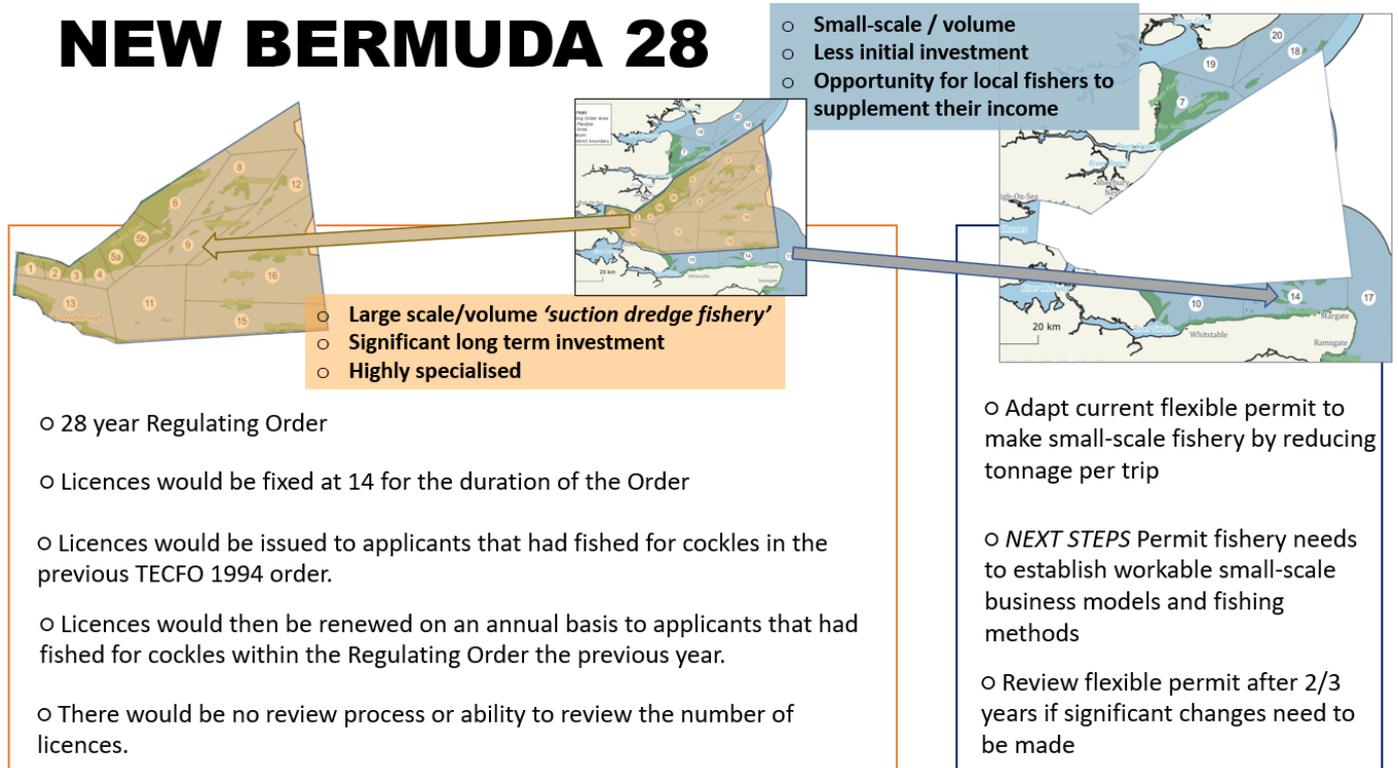
### The small-scale permit fishery running outside the new Regulating Order

Whilst the detail above provides an outline of the New Bermuda 7 framework and how it affects primarily the area within the OTRO, the option also includes areas outside the OTRO which will be managed using a flexible permit byelaw. The detail of how the small-scale flexible permit byelaw fishery would work around is outlined on pages 14 and 15.

## NEW BERMUDA 28 Option

This option divides the cockle fisheries within the District into two zones; one of which would be run using a regulating order and the rest of the District which would be run using a flexible permit byelaw. Under this option a new regulating order (Outer Thames Regulating Order 2025 (OTRO 2025)) would replace the current TECFO. Under this option the boundaries of the new regulating order would be the same as the current Thames Estuary Cockle Fishery Order 1994 (TECFO 1994) boundary. This would mean that the Margate Sands (Area 15), and Scrapsgate (Area 13), as well as Area 11, would be within the OTRO boundary and come under the management and licensing regime of the new regulating order.

# NEW BERMUDA 28



## Structure of the Outer Thames Regulating Order 2025 (OTRO 2025)

The new regulating order would be designed to run for 28 years (2025 - 2053) and would not be divided into any licencing cycles. Instead, the same licencing process that is currently used in the Thames Estuary Cockle Fishery Order 1994 (TECFO 1994) would be replicated in the new regulating order. Licences would be issued to applicants that had fished for cockles in the previous TECFO 1994 order. Licences would then be renewed on an annual basis on the prerequisite that the applicant had fished for cockles within the Regulating Order the previous year. The number of licences issued throughout the 28-year period of the regulating order will be fixed at 14 licences. There would be no review process or ability to review the number of licences.

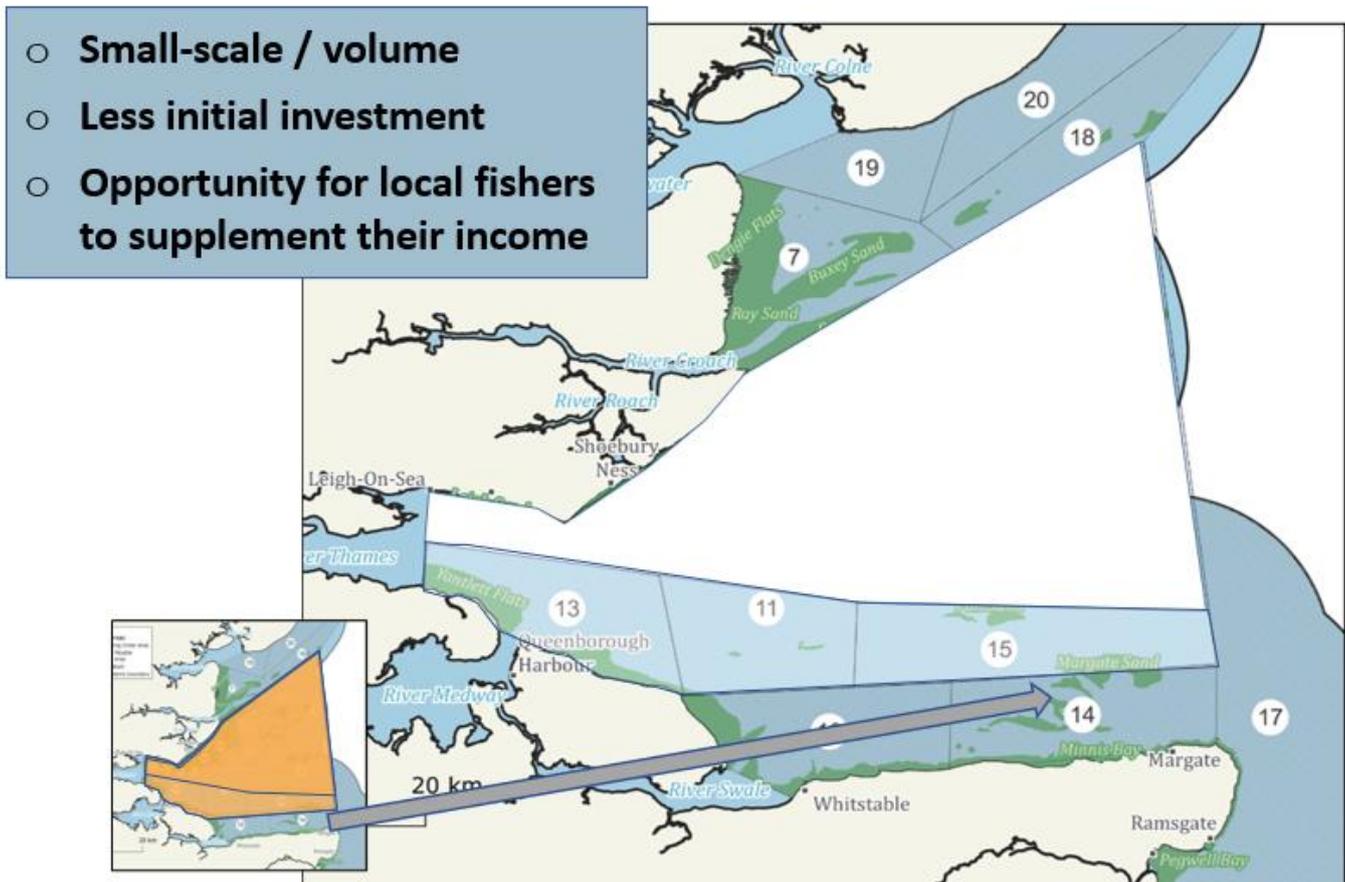
## Consideration of the number of licences to be issued in the new Regulating Order

Whilst keeping or fixing the number of licences issued at 14 maintains the current environmental impact of the suction dredge fishery and provides a reliable and significant income to each licence holder, keeping the number of licences issued at 14 for the next 28 years does remove the opportunity for the Authority to review and adapt management if circumstances change in the future. Effectively replicating the TECFO licencing process, 14 licences would provide a very stable long-term opportunity for the businesses with a licence but would deny other businesses an opportunity to harvest from within the regulating order for the 28-year period of the regulating order (2025 – 2053).

## The small-scale permit fishery running outside the new Regulating Order

Whilst the detail above provides an outline of the New Bermuda 28 framework and how it affects primarily the area within the OTRO, the option also includes areas outside the OTRO which will be managed using a flexible permit byelaw. The detail of how the small-scale flexible permit byelaw fishery would work around is outlined on pages 14 and 15.

## Small-scale flexible permit byelaw fishery



### Background

The feedback from Consultation 1 generally supported the development of a small-scale fishery. This built upon comments in the Listening Phase that the current permit fishery does not work, because of a fleet which is too big for the available grounds, each taking too large a quantity of cockles per fishing trip. Rather than run a small-scale fisheries trial in the areas outside a new Regulating Order, the Authority agreed to progress the development of a small-scale fishery using the current flexible permit byelaw.

### Running the permit fishery as part of an overall framework

Outside of the proposed new Regulating Order, all the options discussed in this consultation document include the same management system and commitment to develop an effective small-scale cockle fishery. For the NEW HAITI and NEW BERMUDA options the boundary of the permit byelaw would continue to follow the current TECFO boundary and would contain the relatively consistent and productive beds of the Buxey and the Dengie (Area 7) as well as the much smaller and inconsistent cockle beds in Minnis Bay (Area 14) and Pegwell Bay (Area 17). The NEW JAMAICA option however, redraws the southern boundaries so that the Margate Sands (Area 15) and Scrapsgate (Area 13) would be included in the new permit fishery from 2025 (see Comparing the Options section for more detailed information).

### Way forward

This is a very different task and poses different challenges compared to creating a new Regulating Order as the Regulating Order has clearly established business models and fishing methods, whereas the permit fishery needs to establish workable business models and new fishing methods as a first step. The aim of the permit fishery is to create a long-term opportunity for the inshore sector that seeks to provide a reliable and regular income and be an addition to the fisheries they currently work in. The questionnaire in Appendix 4 sought to consult on a range of options as to how the permit fishery would be run in 2023. Whilst the final management decisions for this fishery will be made in May 2023 after the stock survey, the feedback from this consultation will allow KEIFCA to set out the broad outline of how the fishery will be run, which in turn might help fishers decide whether to apply for a permit by the 31<sup>st</sup> March 2023. KEIFCA is exploring a range of different potential ways to use the current byelaw to manage the fishery over the coming years and the following are areas which are being explored.

## Categories of permit

- Category 1 and Category 2 permits issued

Permits would be issued to all applicants either as category 1 or category 2. Category 1 permits would be limited to no more than 6.8m<sup>3</sup> or 6 bags of cockles per trip, category 2 permits would be limited to no more than 1.7m<sup>3</sup> or 1.5 bags of cockles per trip, and in addition would be permitted to undertake twice the number of trips as a category 1 permit. This would result in each category 2 permit landing a maximum of half the amount landed by a category 1 permit.

- Just Category 2 issued

Only applications for category 2 permits would be accepted, any category 1 permit applications would be rejected, and the applicant invited to apply for a category 2 permit. All vessels would be limited to the same quantity per trip, either 1.7m<sup>3</sup> (1.5 bags) or 3.4m<sup>3</sup> (3 bags) of cockles per trip and the TAC would be split equally to provide the same number of trips for each permit holder.

## When to fish?

Targeting a time of year for when the fishery is at, or close to, peak yields is important to achieve the best economic return and therefore viability for the fishery. The permit fishery has, in recent years, been undertaken in mid-October. It is suggested that bringing this forward to late summer between early September and mid-October would improve the viability of the fishery for vessels.

## Different start times

If two categories of permit are issued, then category 1 vessels and category 2 vessels would be given different specified fishing times. This could take one of a number of forms, from a delayed start time for category 1 vessels, to two distinct and separate fishing periods for each category, or a long stretched out fishery for category 2 vessels and a short, intense fishery for category 1 vessels.

## Reducing permit fishery fleet size

Reducing the size of the fleet working on the permit fishery would firstly enable smaller areas of cockle bed to be opened as the fleet would be taking less cockles per trip. Secondly, it would enable more trips of the fleet to be carried out on larger beds, helping to make the fishery more economically viable. Restricting the ability of the fleet which fishes the Regulating Order to access the permit fishery would reduce the size of the fleet considerably. The average fleet size over the past 11 years has been 34 vessels, this could be reduced to 20 vessels by removing the current TECFO fleet.

## Clam fishery

Clams have been found in increasing quantities in a number of cockle harvesting areas in recent years. They are found primarily in Area 7 off the Essex coast, however smaller quantities are being found on the north Kent coast, especially around the Isle of Grain. Whilst they are not currently commercially harvested within the District, there is the potential for a fishery if MPA and food health requirements can be met. However, it is the industry's responsibility to ensure that the other requirements for landing shellfish such as only taking stock from waters which are classified for those species are complied with via the relevant regulators. If this is done, then the next step would be for the industry to report the quantities, using their existing catch return forms, that they are removing of species other than cockles. This will help KEIFCA develop appropriate management for future years.

**The results of this consultation are discussed in detail in Paper B3 of the 19 October  
KEIFCA meeting papers**

## Comparing the options

	<i>Difference in option boundaries* Areas 13, 11 and 15</i>	<i>Is there a review mechanism?</i>	<i>Range of licences</i>	<i>No. licences issued in first 7- year cycle</i>
<b>NEW JAMAICA</b>	 <b>Included as part of small-scale permit fishery</b>	<i>7-year licence and review cycle</i>	<b>14-20</b>	<b>15</b>
<b>NEW HAITI</b>	 <b>Included as part of large-scale Regulating Order fishery</b>	<i>7-year licence and review cycle</i>	<b>14-20</b>	<b>15</b>
<b>NEW BERMUDA 7</b>	 <b>Included as part of large-scale Regulating Order fishery</b>	<i>7-year licence and review cycle</i>	<b>Fixed 14</b>	
<b>NEW BERMUDA 28</b>	 <b>Included as part of large-scale Regulating Order fishery</b>	<i>No review for duration of regulating order (28 yrs)  Licences continue to be issued to current TECFO licence holders</i>	<b>Fixed 14</b>	

## The impact of the difference in option boundaries

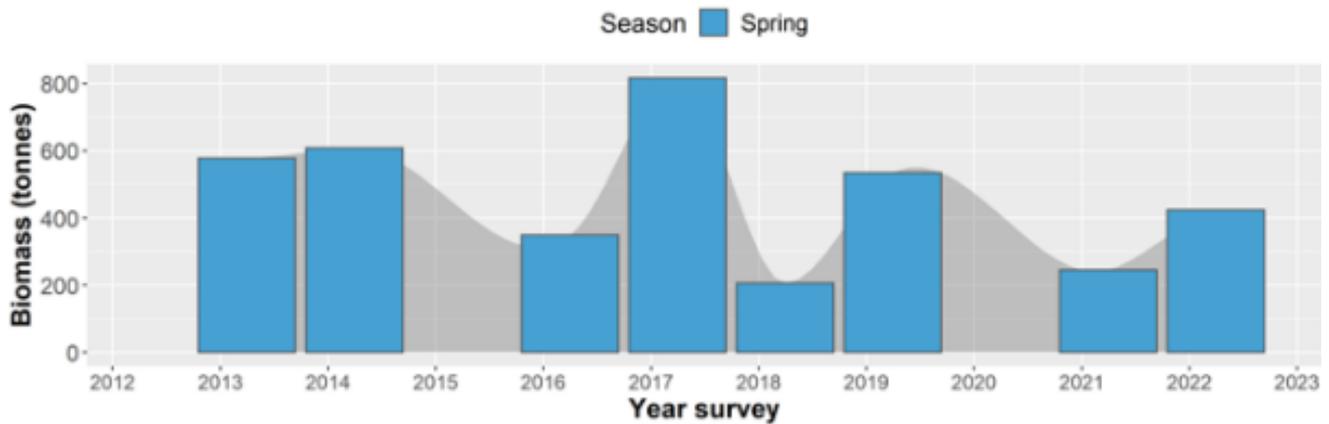


The proposed NEW JAMAICA regulating order boundary and the proposed NEW HAITI/ NEW BERMUDA regulating order boundaries follow the current TECFO boundary, apart from the Southern boundary which is positioned further north in the NEW JAMAICA option. In all of the options, the area outside the regulating order would be managed under a flexible permit byelaw, outside of the regulating order licensing regime, and would be set-up for a small-scale, part-time fishery rather than the large scale/ large volume fishery. This means there are a series of cockle areas (including the Margate Sands - Area 15 and Scrapsgate - Area 13) that would be included in the new regulating order under the NEW HAITI/ NEW BERMUDA options and in the permit byelaw area under the NEW JAMAICA option.

Whereas a byelaw can be significantly changed and remade within 18 months to 2 years, a Regulating Order is made by Act of Parliament and once made is extremely difficult to change, effectively meaning that once the boundary and the framework of the new regulating order is agreed it is likely to stay the same for the duration of the regulating order i.e. for the next 28 years.

## Area 13

### Cockle biomass for area: 13 Scrapsgate



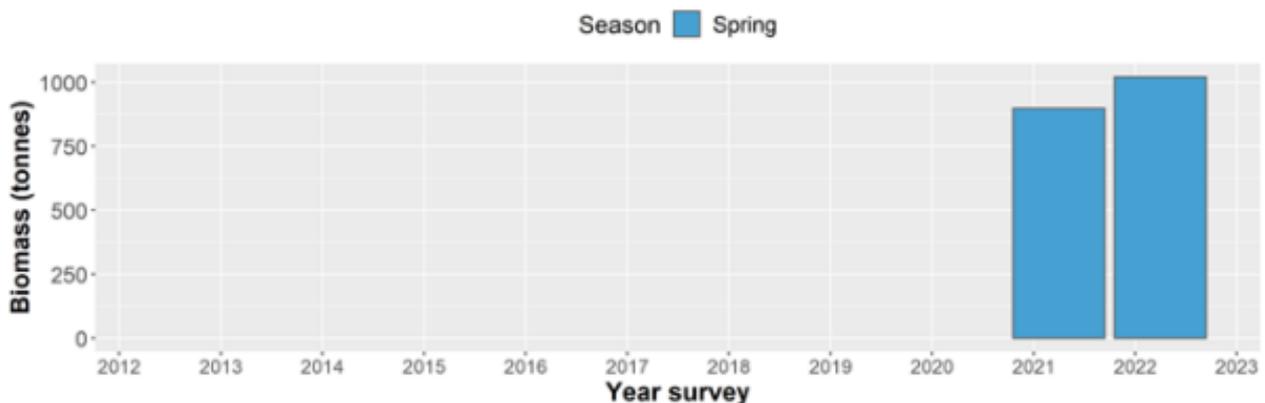
Although cockles are found along the coastline around the Isle of Grain and the Isle of Sheppey, the main cockle beds in Area 13 are found along Sheerness beach and the Scrapsgate area. These beds produce significantly less cockles than areas like the Maplin Sands (Areas 4,5 and 6) and the cockle surveys have shown the cockle stock biomass from this area has been inconsistent, however cockles are harvested at a low level by some of the current TECFO fleet in most years. Clams have been found in Area 13 although in small quantities.

## Area 11

This area consists of mobile sandbanks and includes the East Cant, Middle and Red Sands. Cockles have not been fished in any significant quantities in this area and no surveys have been carried out in this area in the last decade.

## Area 15

### Cockle biomass for area: 15 Margate Long Sands



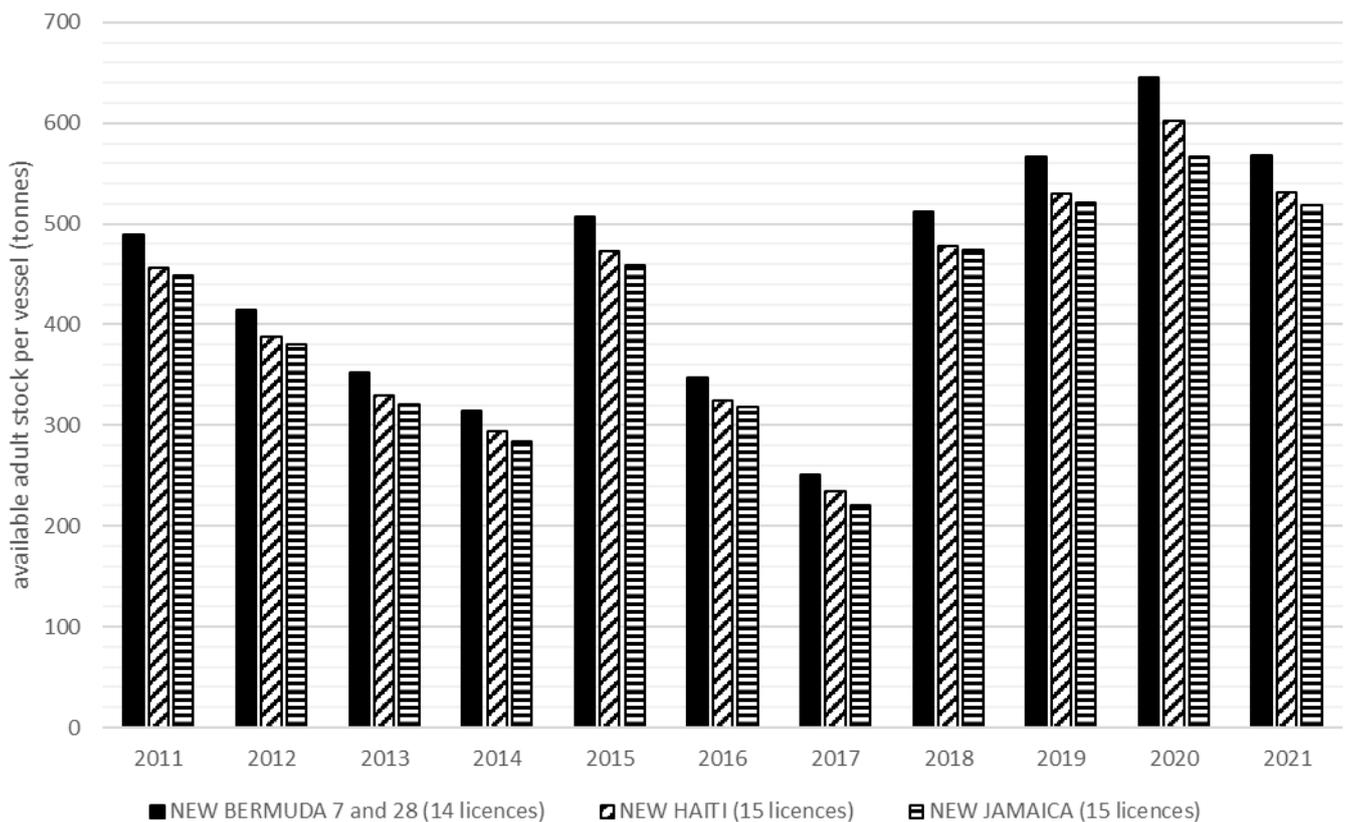
Until the last few years, these beds were previously fished commercially over 20 years ago. The Margate Sands are more exposed and dynamic than some of the sand banks closer to the mouth of the Thames and the cockles are found in dense but highly productive patches. Compared to other areas KEIFCA does not have the same long-term stock data to help inform management and at present the area is considered to contain potentially very high yielding but highly variable cockle beds. The high yielding nature of these beds means the cockles found in this area have fetched a much higher price, compared to cockles from the rest of the Thames.

For more see the *Spatial Distribution and Stock Review of cockles in the Kent and Essex district Report* for more detailed information on our consultation website <http://cocklereview.kentandessex-ifca.gov.uk/>.

Retrofitted available adult stock comparison – Outer Thames Regulating Order 2025

Using historic management data it is possible to illustrate the potential adult cockle stocks that could have been available to the OTRO under each of the proposed options over the last 11 years.

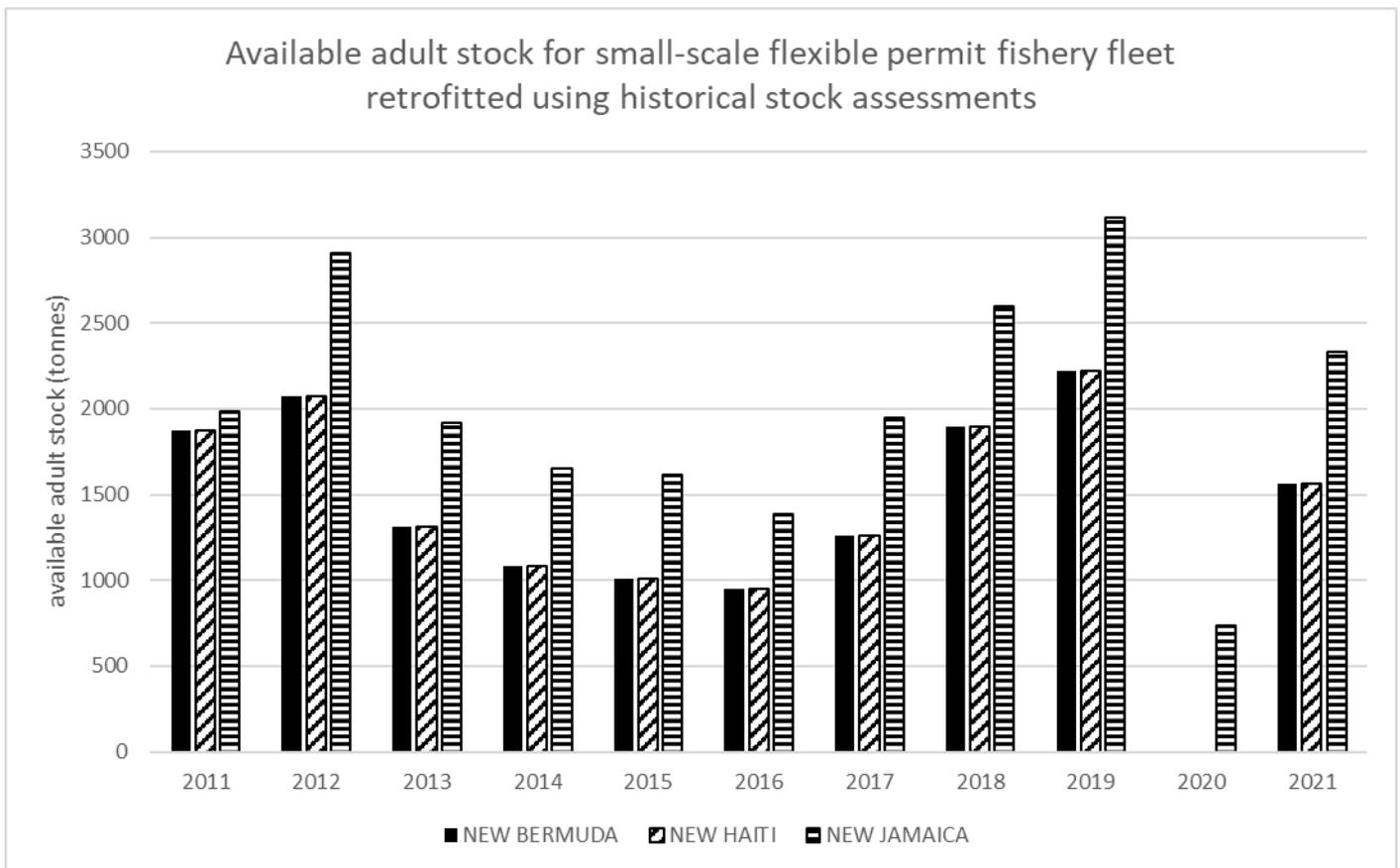
## Available adult stock within the OTRO per vessel for each Consultation 2 option retrofitted using historical stock assessments



The amount of available adult stock (AAS) is calculated each year and is based on over 1,200 cockle samples. The TAC set from this assessment, along with other yearly management measures, is discussed and agreed at the May Authority meeting each year. TAC is then divided equally between the number of licences issued in the regulating order. Under the NEW BERMUDA 7 & 28 options the AAS is divided by 14 licences, and under the NEW HAITI and NEW JAMAICA options the AAS is divided by 15 licences. In 2020 the pronounced drop in the NEW JAMAICA AAS compared to the NEW HAITI AAS is due primarily to cockles from Area 15 – the Margate Sands being part of the permit fishery rather than the regulating order. On average the AAS per licence would be 6.7% less per licence for a licence under the NEW HAITI option compared to the NEW BERMUDA 7 & 28 options, and 9.25% less per licence under the NEW JAMAICA option compared to the NEW BERMUDA 7 & 28 options. The cockle fishery is a very dynamic and fluctuating system that is very hard to predict over the 11 years and the total fishery TAC during that period has been as high as 8,008 tonnes and as low as 3,838 tonnes, a +20%/-58% difference from the 11-year average of 6649 tonnes. The analysis included in this report should be used as a basic illustration and should be considered along with the Seafish - Economic Performance Report and the Review of environmental impacts of hydraulic suction dredging for cockles - KEICFA district report. Both these documents are available on our consultation website <http://cocklereview.kentandessex-ifca.gov.uk/>.

### Retrofitted available adult stock comparison – Small-scale flexible permit fishery

Using historic management data it is possible to illustrate the potential adult cockle stocks that could have been available to the small-scale flexible permit fishery, if all areas containing cockles could be worked, under each of the proposed options over the last 11 years.



The amount of available adult stock (AAS) is calculated each year. The TAC set from this assessment, along with other yearly management measures, is discussed and agreed at the May Authority meeting each year. TAC would then be divided equally between the number of permits applied for during that year. The above figure doesn't attempt to show the AAS per vessel as the number of permits issued varies significantly each year.

The absence of stock in the New Bermuda and New Haiti options in 2020 is a result of limited surveys resulting from COVID restrictions during that year. However, the remaining data suggests that New Jamaica would result in an annual increase of AAS between 6% and 60% when compared to the New Bermuda or New Haiti options.

# Feedback from the Consultation

## Introduction

Although cockle stocks fluctuate every year, they are a finite stock which means that difficult decisions need to be made as to how that resource is divided by stakeholders, over what period and on what conditions. From the start of the review process, it has been clear that not everybody will get what they want, and the Authority will have to make hard choices that will have a significant impact on the earnings or earning potential of local fishing businesses, for a generation of fishermen.

From an officer’s perspective we have worked as hard as we can to make a fair and transparent process where stakeholders are given the space, time, support and opportunity to contribute. Officers have spent years surveying, enforcing, writing management papers and working with the local fishing industry to build a fishery that everyone is proud of and we realise the stress this is putting on some members of the local industry, however the harsh legal reality is that the current TECFO will finish on the 28th September 2024 and with it the legitimate expectation of the current licence holders. The challenge for the Authority is to find the right balance going forward and we really appreciate the time and energy that stakeholders have put into this consultation which will help the Authority Members evaluate and weigh-up the strengths and weaknesses of the different options.

All of the replies to the consultation can be found and read at <http://cocklereview.kentandessex-ifca.gov.uk/>, including a summary of question-by-question answers. Thames Estuary Fishermens Association (TEFA) and the Shellfish Association of Great Britain (SAGB) both wrote letters to the Authority as part of the consultation, and these can be read in full in Appendix 4.

## Oral evidence

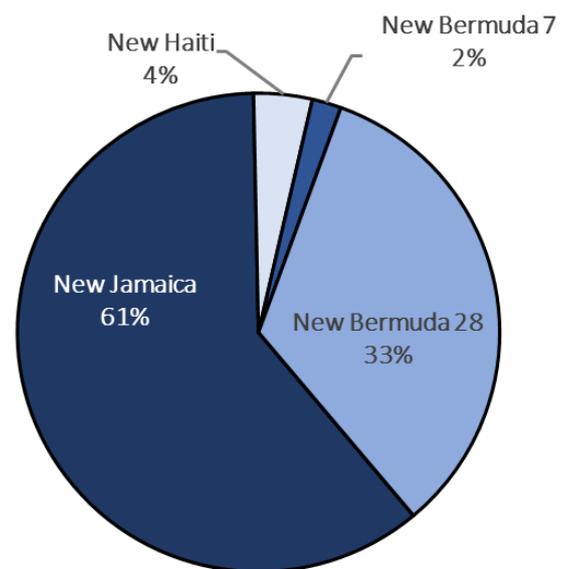
In total nine people gave oral evidence. Eight of the participants were TECFO licence holders and one of the participants gave evidence on behalf of the Thames Estuary Fisherman’s Association. The oral evidence can be seen at <http://cocklereview.kentandessex-ifca.gov.uk/>.

## Summary of written feedback

Over 90% of respondents to the consultation outlined their preference for either the NEW JAMAICA option or the NEW BERMUDA 28 option. Of the replies that indicated a preference 61% of respondents put NEW JAMAICA as their first choice (31 replies), 33% of respondents put NEW BERMUDA 25 as their first choice (17 replies), with NEW HAITI a distant third place with 4% (2 replies) and NEW BERMUDA 7 fourth with 2% (1 reply). Care needs to be taken in interpreting these figures as some consultation questionnaires responded on behalf of businesses employing numerous people, the results do however highlight the two preferred first choice options from the consultation.

Virtually all current licence holders strongly supported the NEW BERMUDA 28 option, with in general their second preference option being NEW BERMUDA 7, followed by the NEW HAITI option and the NEW JAMAICA option in fourth place. Some respondents did not fill in the ranked order options, just filling in the NEW BERMUDA option.

Stakeholders that are not current licence holders, including current permit holders and members of the local under 10 metre fishing fleet overwhelmingly supported the NEW JAMAICA option. A number of fishermen did not rank the



**Breakdown of the first choice options picked by responders to Consultation 2**

other options, of the fishermen who did the ranked order was opposite to that of the current licence holders, with NEW HAITI in second place, NEW BERMUDA 7 in third and NEW BERMUDA 28 in fourth.

Compared to Consultation 1 and other byelaw consultations, there was a lot of engagement from the local under 10 metre fishing fleet, who all supported the NEW JAMAICA option because they felt it provided a larger area and access to cockle beds that the current TECFO boundary excludes them from. In general fishers commented that a new small-scale cockle fishery could provide them with more local fishing opportunities in the future.

In general, the current permit holders supported NEW JAMAICA because they felt this was the only option that would allow a fairer distribution of a greater amount of TAC between more fishers. Current permit holders also felt the chances of getting a licence in the new regulating order were very low.

The main reasons the current TECFO licence holders gave for choosing the NEW BERMUDA 28 option, were that a 28-year licence gave the most security for companies to invest in boats, factories and staff, and that additional licences would proportionally decrease the share and earnings from each licence and would have a greater impact on the seabed. Several replies commented that this option was closest to the current TECFO fishery and saw no reason to change a fishery which they felt was successful. Some TECFO respondents felt that the proposed criteria for a licence in the new regulating order should be applied to the initial issuing of licences in the BERMUDA 28 option.

The proposed 7-year cycle for issuing licences received a lot of comment especially from the current TECFO licence holders, but the Authority also received feedback on this matter from the Thames Estuary Fisherman's Association and the Shellfish Association of Great Britain. The main theme of the feedback was that 7 years was too short a period for business to make significant investments and gain returns, and that a 7-year licence would see a de-investment in the fishery.

Several consultation replies from the current TECFO licence holders and from TEFA intimated that the Authority should consider a new additional option as part of the consultation process, where new licences could be issued if the TAC was above a certain level. Officers engaged with TEFA and asked for more detail regarding their proposal as this option fit within the frameworks the Authority has already agreed. The Chairman and Vice-Chairman agreed to include this as a proposal for consideration by the Authority.

Several replies from permit holders and from the local under 10-metre fleet expressed their dissatisfaction with the frameworks already agreed by the Authority and the options provided in the consultation. The main areas of dissatisfaction were that the benefit of the cockle fishery should be shared with more businesses with either the number of licences in the new regulating order increased to 20 or that the size of the regulating order should be much smaller than that proposed in NEW JAMAICA to allow a greater access to more businesses.

- Currently in the Wash there are 61 entitlements and following the policies that were passed on the 14/9/2022 for the WASH new proposed Byelaw there is every possibility this will increase.
- How can the Thames TECFO fishery be so restrictive in its access with limited opportunities for 30 years and with current proposals there will still be very little change.
- I had been assured the problem of access would be addressed with the new TECFO management but in all honesty the proposals passed I'm sorry to say are not enough.
- Closed shop TECFO this has to STOP
- Not enough opportunity has been made for new entrants into the very lucrative TECFO
- NEW JAMAICA It's the best if all the bad options small scale local fisherman have been offered especially if you're from the north Essex coast
- I personally think the most cost-effective option is not on the Table were one NEW combined TECFO/PERMIT Order would be better

## Detailed breakdown of feedback using the evaluation question framework

### Helping to support a successful and resilient local coastal economy

- (a) Does the option provide a framework that will help sustain a viable long-term cockle industry in the KEIFCA district?
- (b) Will the option help support local skilled employment?
- (c) Will the option help assist long-term investment and growth in the local economy, supporting local shore side infrastructure and supply chains?
- (d) Will the option help to 'add value' to the cockles that are caught in the cockle fishery?

### General summary

#### ***Feedback on the options from the current TECFO licence holders***

The financial impact of the different options and subsequent knock-on effects in supporting local skilled employment and making long-term investments was the area that received the most feedback from the current TECFO licence holders across the consultation. Virtually all the replies from this group strongly supported the NEW BERMUDA 28 as they felt the option offered long term security, and incentivised licence holders to think, invest and plan for the long-term success of the industry and in turn the wider local economy. The objections to the other options reflected that increasing licence numbers would reduce profitability, reduce returns on investment and that there would be no incentive for long-term local investment or engagement in long-term fisheries management measures. There were several respondents that made the point that they felt reduced investment would lead to the collapse of the local industry and no long-term cockle industry.

On specific options, the feedback was that the NEW JAMAICA was by far the worst option and would have very significant impacts on earnings as the option removed vital fishing grounds and increased the number of licences, which in turn would decrease the earnings per licence as well as containing a 7-year review cycle that respondents felt would create uncertainty in long-term investment. Of the other options, objections to the NEW HAITI option focused on the increased number of licences and the 7-year review, and objections to the NEW BERMUDA 7 focused on the impacts of a 7-year review cycle.

#### ***Feedback from the current CFFPB permit holders***

There was a reflection from the majority of permit holders that increasing the area covered by the permit fishery in the NEW JAMAICA option would make the fishery a more viable and reliable option. With an expanded and more reliable fishery there would be more potential for small businesses to invest with a lot more confidence and contribute to the wider local economy. The increase in licences was seen as a significant positive by the majority of replies, however there were a number of respondents that they felt the likelihood of them getting a new licence was very remote. One reply expressed concern that additional licences could put significant strain on the fishery.

The HAITI option received a muted level of positive support, due to respondents feeling that there was a low likelihood of them getting a licence and both the NEW BERMUDA options were rejected out of hand as respondents felt that the current status quo would be continued and there would be no opportunity for their businesses to grow or invest in the current broken system.

#### ***Feedback from the current Catching Sector***

The overwhelming majority of replies from the catching sector comment on and supported the NEW JAMAICA option and the prospect of an increased permit area and access to local cockle beds that they are currently excluded from because they are part of the current TECFO area. A large number of replies focused on the new income this could generate especially during the summer when other fishing can be slow, and how new local markets could be created and serviced by access to these cockle beds. In general, there was little comment on the other options, other than to highlight the fact that they offered no meaningful change and no opportunity for new income.

## Illustrative examples of feedback

### ***Increasing the number of licences***

#### Current TECFO licence holders

- Every licence added is a 7-9% decrease in income and quota for existing licence holders.
- To build a truly resilient company, it must be able to survive the toughest of seasons, ie when the TAC or yields are poor (or both). Increasing the number of licences will make this significantly more challenging, as the majority of fixed costs will stay the same. This is of particular importance given the current strain on our operations from spiralling energy and material costs.
- 15 initial licenses will make skilled employment harder if TAC per vessel is decreased. Skilled staff will become a higher % of fixed costs. Resulting in more unskilled temporary staff

#### Current CFFPB permit holders

- We will sell to local processors so it will benefit the local community
- I think we have to be very careful, increasing licences could be very bad for the industry along with the loss of ground.

### ***The 7-year licencing and review cycle***

#### Current TECFO licence holders

- 7 year cycle will discourage investment, especially shore-side.
- It will be difficult to encourage long term skilled employment with 7 year cycles
- While I understand the points raised around flexibility of issuing additional licenses, the lack of security offered with 7 year cycles will be hugely detrimental to the future of the fishery in the following ways:

Investment: There is very little chance of attracting the scale of investment needed to sustain the fishery as it currently operates, let alone attract investment to ensure the fishery can grow and adapt to future challenges and opportunities with a licence that is only issued for 7 years. Operating in the fishing industry already carries significant financial risk due to the many factors outside of our control. This is a fact which is not lost on financial institutions, which generally treat investment in our industry with a high degree of scepticism. A 7 year licensing cycle will only compound this problem. On a personal Level, I can assure you that my family would never have even considered investing in our cooking and canning plant based on a seven year licence.

Career opportunities: One of the key intentions of this review is to enable young workers to find a career in the fishing industry. The chances of convince a young recruit to chose a career in cockle fishing, when we can only offer them 7 years of work as a best case scenario seems unlikely, especially given the shortage of labour we are currently experiencing in the UK, set against the vast opportunities available to young people in the south east of England.

#### Current CFFPB permit holders

- I like the review cycle as it will discourage the selling of licences, and help experienced tecfo skipper have a chance of getting a licence in the new regulating order

#### Catching Sector

- Gives an opportunity to further fishing after 7 years.
- 7 years seems a long time if you are not one of the 14-15

## ***New Jamaica***

### *Current TECFO licence holders*

- smaller area and increased licence numbers will lead to increased fishing effort effecting sustainability. 7 year cycle deters investment and responsible fishing. Bad environmentally. No MSC approval
- 7 year cycle will discourage investment, especially shore-side. To build a truly resilient company, it must be able to survive the toughest of seasons, ie when the TAC or yields are poor (or both). Increasing the number of licences will make this significantly more challenging, as the majority of fixed costs will stay the same. This is of particular importance given the current strain on our operations from spiralling energy and material costs. It will be difficult to encourage long term skilled employment with 7 year cycles. 15 initial licenses will make skilled employment harder if TAC per vessel is decreased. Skilled staff will become a higher % of fixed costs. Resulting in more unskilled temporary staff

### *Current CFFPB permit holders*

- Will add better fishing grounds to the Permit Fishery and help make the permit fishery a more viable option rather than the current situation where it is only open for 1 day a year if that. if the PERMIT area was made bigger as it says in NEW JAMAICA there would be the very real possibility of a 6 to 8 week season.
- Opens up new ideas and grounds. Fishers would be able to invest.
- From this Vessels in the PERMIT fishery can and will add to the local economy. Nothing will happen without more opportunity to do so.
- Gives more opportunity to Permit Fishers in turn creating the possibility to then invest in local economy as well as the fishers own business. This then leads to more opportunity to invest in better equipment such as ECO Emission friendly engines to name one.

### *Catching Sector*

- Creating extra jobs for local fishing families, long term future jobs and investment. Could add value to the local fishery
- Giving local fishermen the chance of a sustainable fishery in the future
- Increases employment, ensures small vessels have more options to keep sustainable
- The New Jamaica option would allow me to be able to collect cockles from my own boat and sell on our own stall
- The whole idea of the permit fishery is to support the local fishing fleet when there is less to catch in the summer months
- Local fishery creating local jobs, small carbon footprint
- If managed correctly then the fishery will be a boost in local businesses from vessel to suppliers
- Allows access to cockle beds in the Margate Sands which are a safe and economical steaming distance from port

## ***New Bermuda 7***

### *Current TECFO licence holders*

- It does not do anything for the permit scheme and stifles investment. Upheaval every 7 years will not encourage investment.
- New Bermuda 7 does not encourage investment. A more realistic time period would be 14 years.
- This option will withhold investment both in the vessels and wider community

## **New Bermuda 28**

### Current TECFO licence holders

- Allows for continued investment in equipment and personnel.
- This is the only option that positively meets all four of the evaluation questions above
- It doesn't give flexibility

### Current CFFPB permit holders

- no chance for experienced skippers everything stays the same.

## Officer comment

The feedback from the different stakeholder groups clearly lays out the economic advantages and disadvantages and impacts of the different options on the different groups, officers would recommend reading the Economic Performance Report - SEAFISH report which would help add context as well as facts and figures to the arguments made. Table 1 uses data taken from the report to allow a general comparison of average landing values and net profit between the sectors. As pages 14 and 15 of the SEAFISH report highlight there are a number of assumptions that were made by SEAFISH's economics team in writing the report and we would advise looking at the trends in the data rather than focusing on the exact figures.

**Table 1. A comparison of the net profit and average landings value between selected fleet segments**

SEAFISH Fleet Segment	Net Profit	Average Landings Value
Under 10-meter drift and/ or fixed nets	27%	£41,200
Under 10-meter pots and traps	17%	£68,600
Thames TECFO cockle fleet	16%	£461,500

In weighing up the evidence it is very difficult to compare established businesses that already provide local employment, job security and investment with a new permit fishery that will require a lot of work and investment but could help hard hit local fishermen diversify, help develop new markets and help bring new ideas into the industry.

As outlined in Appendix 4 the 7-year licencing and review cycle is a balance between longer cycles that provide businesses which have gained a licence with a longer time to invest and a shorter cycle that allows business that were unable to gain a licence an opportunity to reapply.

Faced with the same challenge, other regulating and several orders have adopted similar review cycles, with the Menai Straights Several Order having a 7-year licencing cycle, the Poole Harbour Several Order having a 5 year licencing cycle and the Dee Estuary Cockle Fishery Order a 3 year cycle. While the Dee Estuary is a relatively small hand worked fishery and far from a direct equivalent the Menai Straights and Poole Harbour Several Orders are very significant mussel producing Several Orders, with significant capital investment, in the millions of pounds.

Within the proposals the plan would be to agree a clear set of criteria, (whilst being able to be modified and updated each 7-year cycle) that would provide a long-term framework where businesses that invested in the criteria would be in a far better position to secure a licence than those who had not made such investments. In this manner although it would be down to the applications panel to review each application on merit, businesses would have

clarity on the benefits of making long term business investments in the local community compared to their competitors.

Issuing a licence for a fixed period of 7 years, rather than on a temporary basis as a response to increased TAC, allows the company receiving the licence to plan and invest in jobs and infrastructure the same as any other, potentially more established business, providing better returns for the business and the community.

### Strengthening and supporting our dynamic local coastal community

(a) Does the option provide fair opportunities for individuals and businesses, and help support young or new fishers?

(b) Does the option help encourage businesses to invest in a safe and skilled workforce?

(c) Does the option help support the heritage and culture of the cockle fishery, including supporting local tourism associated with the Thames cockle fishery?

### General summary

#### ***Feedback from the current TECFO licence holders***

The general theme of the feedback was that long-term investment opportunity that NEW BERMUDA 28 would afford would help licence holders invest more confidently in a safe and skilled workforce and provide a long-term fishery that would support local tourism.

#### ***Feedback from the current CFFPB permit holders***

The replies from this sector strongly oppose the NEW BERMUDA 28 option due to the length of time (28 years) experienced cockle skippers and permit holders would be denied the opportunity of being able to apply for a cockle licence. The NEW BERMUDA 7 option also received strong opposition as permit holders who felt they had little chance of successfully getting a licence. The feedback on the NEW HAITI option was mixed with some respondents preferring the option as it provided a new opportunity for a licence, whilst the majority of respondents felt the NEW HAITI option did not provide fair opportunities for new entrants into the very lucrative TECFO fishery. The NEW JAMAICA option received the most overall support from this sector as respondents felt that an increased permit area and would provide them with new tangible opportunities that would help a wide range of fishers, local business, and the broader local community.

#### ***Feedback on the options from the Catching Sector***

The NEW JAMAICA option received overwhelming support from this sector as respondents felt, like the current Permit holders, that an increased permit area would provide them with new tangible opportunities that would help a wide range of fishers, local business, and the broader local community. Feedback from this sector suggested that the other options outlined in the consultation (NEW HAITI, NEW BERMUDA 7 & 28) provided little new opportunity to this sector and were in general opposed by this sector.

### ***New Jamaica***

#### Current TECFO licence holders

- Possible loss of MSC certificate, lack of investment both on-shore and off-shore, less sustainable and less environmentally friendly
- It has taken 28 years to perfect the fishery we have now. It has been costly and all consuming. But it is now perfect. These other options will have unforeseen costs and the work involved will mean starting from scratch.....for another 28 years
- Increased licence numbers will reduce profitability and the lack of sustainability and reduced investment will lead to the collapse of the local industry. No long term cockle industry!"

#### Current CFFPB permit holders

- TECFO licence holders obviously don't want to lose any ground but they still have the Maplin Sands and East Barrows which is prime fishing. They will argue over Margate Sands but they didn't fish it for 20 years so it can't be that important to their fishing patterns. It will create a lot more opportunity and hopefully encourage more youngsters into the fishing industry, as it needs all the help it can get in bringing in new blood.
- New Jamaica is the best option for the permit area. The extra areas increase opportunity for the permit vessels, but only marginally. A concern is if the Denge/Buxey sands are not exhausted, the new other areas are big enough on their own to support a fishery.

#### Catching Sector

- This is the idea of us supporting Jamaica as there is a possibility of extra suction dredge licences. For young fisherman nowadays in this estuary they will find it very difficult to survive in fishing, as we all know there is a big problem with the fish stocks, the fish don't come here no more. Predominantly soles. The cost of setting up for young fisherman would involve a very serious amount of money, for a cockle boat, as there only suited really for cockle fishing, as very shallow drafted, they would need long term security for the license, that would safeguard their monetary investment. The heritage and culture we can only see in Leigh and not elsewhere, so West Mersea would burn even footing with the other two ports, such as Whitstable and Queenborough. With the investment side of things, you would be investing in yourself therefore you know you are investing in a skilled workforce, with previous experience that I can teach my two sons.
- Allow smaller local vessels the option to participate in our local fishery. Allow opening of smaller beds in our district
- Preferred option as this covers more areas suitable for small scale fishery. Preferable due to covering more areas. Will add better fishing grounds to the Permit Fishery.
- More area for small scale fishery closer inshore opens up new opportunities
- Great opportunity to fish a sustainable fishery on our doorstep and would provide another fishery to be able to fish, giving more diversity to small scale fishers
- All the other options give no chance for anyone else to access the fishery. At least with this one it gives one person a chance to access the fishery. It looks to me that not a lot is going to change. I don't think any of them are very good unless you are one of the 14-15 holders.
- Supports young smaller fishermen and boat owners keep sustainable waters

## ***New Haiti***

### *Current CFFPB permit holders*

- I like New Haiti as opportunity for my family to continue to fish for cockles. Licence needs to go to the right person

## ***New Jamaica, New Haiti and New Bermuda 7***

### *Current TECFO licence holders*

- Few fishing sectors are just open to new fishers. The concept of fairness doesn't really apply. No incentive to invest in the workforce. Will encourage the fisheries demise.

## ***New Bermuda 28***

### *Current TECFO licence holders*

- This is the only option that would support young fishers long term. This is the only option that encourages investment and of course it supports the heritage of the fishery and its fishing families.
- Both boat crews and shore staff are always in demand and jobs are always available. Finding staff is a problem. This is the only option that promotes investment and secures the future.

### *Current CFFPB permit holders*

- No chance for the experienced skippers everything stays the same
- Bermuda shuts the possibility out of us getting a suction license
- I've waited 28 years for an opportunity to fish the TECFO if don't get the one licences available, then I have to wait again until 2032. This would mean a from leaving school to 2032 I have had no possibility of fishing in the TECFO area.
- It is a lifetime. Great if you get one

## ***Officer comment***

The Thames Estuary Cackle Fishery Order was set-up in 1994 and issued licences under the Regulating Order legislation. Licences were issued to people that could provide written evidence (in the form of sales notes) of commercially fishing for cockles in the then proposed TECFO area. Twelve licences were initially issued and as the cockle stocks increased two more licences were issued under a temporary licence in 1997 following an assessment of the activities of all persons who demonstrated an interest. When stocks fell and the temporary licences were not issued, the temporary licence holders took Kent and Essex Sea Fisheries Committee (KESFC) (KEIFCA's predecessor) to Judicial Review. KESFC lost the Judicial Review which in effect meant that temporary licences had the same legal standing as standard licences.

KESFC sought extensive legal advice as concerning the process and legal consequence of issuing new licences, as well as the legitimate expectation of the licence holders. The practical consequence of that legal advice meant that for the last 24 years KEIFCA has issued 14 licences to fish in the TECFO and the annual TAC has been divided evenly between the licence holders.

Since 1994 KESFC and then KEIFCA have received over 219 applications from 72 different fishermen to be issued a licence to fish in the TECFO fishery. Several applicants have applied continually for a licence for nearly a decade. Over the 24 years Committee Members, then Authority Members, have periodically asked officers to review this arrangement and explore options to give the Authority more flexibility in issuing licences and to return to the initial intention of the Order which was to give some degree of flexibility. KESFC/KEIFCA has sought extensive legal counsel from solicitors, barristers, and Queens Council over the last 24 years and in trying to address this issue have spent well over £60,000 in legal costs and fees.

## Creating an environmentally responsible fishery

a) Does the option help ensure the cockle stock population is fished within clear limits that consider stock assessments and breeding stock?

(b) Does the option help assess and monitor the impact of the fishery on the seabed, and strive to make the impact as small as possible?

(c) Does the option help consider the impact of the cockle fishery management on the wider ecosystem (including carbon footprint) and support internationally recognised accreditation systems (e.g. Marine Stewardship Council)?

## General summary

### ***Feedback from the current TECFO licence holders***

In general, the replies encompassed a series of significant concerns which focused on the environmental impact of adding another licence and suction dredge vessel to the fishery, the potential loss of MSC certification and a 7-year review cycle, in which respondents felt, future licence holders would be incentivised to think and act in a short-term manner, much to the detriment of the fishing grounds and the wider environment and the wider ecosystem. A number of replies focused on the “Review of environmental impacts of hydraulic suction dredging for cockles - Kent and Essex IFCA district” report and specifically the sentence “*Any change to the current fishery, such as more licences, or not allowing sufficient recovery between consecutive fishing events could lead to long term damage to the stocks and the environment*” as evidence that sharing the available TAC amongst additional licences would have a detrimental impact on the environment and ecosystem. The vast majority of replies concluded that the only option that would alleviate these significant concerns was the NEW BERMUDA 28 option.

### ***Feedback from CFFPB permit holders and the Catching Sector***

In general, there was not a lot of feedback or comment on these issues from both these stakeholder groups. The main themes of the replies from the Catching Sector focused on the potential for smaller boats to have less impact on the seabed than bigger suction dredges and the benefits of reducing the carbon footprint of the fishery by supporting local boats with shorter steaming times, cooking and selling locally, both of which would only be furthered, in their opinion, by the NEW JAMAICA option.

## Illustrative examples of feedback

### ***New Jamaica***

#### *Current TECFO licence holders*

- Smaller area and increased licence numbers will lead to increased fishing effort effecting sustainability.
- The risk of overfishing (too many permits).
- All of the options except bermuda 28 would be in contrast to the advice of the environmental impact study which states, sharing the available TAC amongst additional licences would have a detrimental impact on the environment and ecosystem

#### *CFFPB permit holders and the Catching Sector*

- Smaller boat U10m - less impact on the sea ground
- Small scale small impact fishery
- Less carbon footprint supporting local business and employment
- Well more boats does mean more diesel but within a few years I’m sure we could adapt our boats to deal with this issue
- People who haven’t done the job could damage the cockle stocks as not experienced in the job.

## ***New Haiti***

### *Current TECFO licence holders*

- May reduce quota available to fishermen, may increase impact
- No MSC approval. More Damage to the seabed

## ***New Bermuda 7***

### *Current TECFO licence holders*

- Less sustainable and less environmentally friendly
- No MSC approval.
- Encourages short-term thinking on licence holders compared with Bermuda 28, as they will likely seek to maximise their earnings in this period, to the detriment of the environment, as they're not given the assurance of a long period of stability.
- Both Bermudas are as environmentally responsible, and sustainable as possible. This is backed up by both Natural England and the MSC

## ***New Bermuda 28***

### *Current TECFO licence holders*

- All of the options except Bermuda 28 would contrast with the advice of the environmental impact study which states, sharing the available TAC amongst additional licences would have a detrimental impact on the environment and ecosystem.
- Encourages responsible and sustainable fishing.
- Proven MSC Accreditation. TECFO proven to be sustainable
- Certainty will encourage and allow the purchase of environmentally friendly engines, allows investment in improved sustainable fishing gear technology this in turn improves the environment and continues with the MSC

### *CFFPB permit holders and the Catching Sector*

- Other catching sector - larger vessels damaging cockle beds beyond repair

## ***Officer comment***

All the options presented in the consultation would have to pass an environmental assessment or Habitats Regulation Assessment (HRA) that would be reviewed by Natural England. Natural England have been involved throughout the development of options and are comfortable with the options presented in the consultation and that they could all pass an HRA. Natural England have produced a letter outlining their position and the requirements on the Authority to adequately monitor the impacts of a fifteenth licence if one was granted (Appendix 4).

The same HRA process also applies to the permit fishery and any future management, like the current management, the fishery and the fishing gear would be required to pass an HRA. Under the current cockle permit all cockle harvesting fishing gear is required to pass a 10% damage rate inspection and it will be a top priority of KEIFCA officers to ensure that any new fishing gear would pass this requirement and has as minimal impact on the seabed as is possible.

A number of respondents reflected on the “Review of environmental impacts of hydraulic suction dredging for cockles - Kent and Essex ICFA district” report written by KEIFCA and highlighted specific phrases regarding the impact of additional suction dredges in the fishery and the possible increased environmental damage an increase in licences could cause. As well as providing background and context to the environmental impact of the suction dredge fishery the report was aimed at helping provide Authority members with evidence to make the decision as to how many licences it felt could be issued in the range of 14-20 licences (NEW JAMAICA and NEW HAITI options) and under what conditions. The report outlined the environmental impact of suction dredging but also recommended that if the Authority decided to issue more licences, licences should be issued in small incremental steps and in such a way that their impact can be closely monitored and used to inform future reviews.

*Hydraulic suction dredging for cockles causes damage to the sediment, benthic community and the ecosystem processes that they support. The level of impact is varied through the system with greatest impact and slowest recovery in muddy habitats and shorter in sandy habitats. The current fishery has been run sustainably, passed HRA requirements and enjoyed MSC certification, because all indications are that the fishery does not have long term impacts on stock levels and has limited impact on the environment. Any change to the current fishery, such as more licences or not allowing sufficient recovery between consecutive fishing events could lead to long term damage to the stocks and the environment. Increasing or changing the current system, such as increasing the number of fishing licences, introduces new variables and risks that are difficult to predict but could impact both the fishery and the wider ecosystem. In such a complex system, using fishing gear that is well documented to have significant impact on the seabed and wider ecosystem, a precautionary approach to issuing licences would seem sensible where any changes can be closely monitored and used to inform future decision making. (pg 21. Review of environmental impacts of hydraulic suction dredging for cockles - Kent and Essex ICFA district)*

## Creating a well-managed fishery

- (a) Does the option provide a simple framework that is easy for fishers, Authority members and other stakeholders to understand and work within?
- (b) Will the option be easy and cost-efficient to administer, and not create too much paperwork for applicants to fill in?
- (c) Will the option help create clear rules and regulations and be straightforward for KEIFCA officers to enforce and fishers to comply with?

## General summary

As we move through the consultation process different criteria evaluation questions will take more prominence, while other questions, while still relevant they don't capture the main differences between options. It is important, however, to be rigorous in assessing all the options. The main areas of feedback from all stakeholders focused on the economic, environmental, and different opportunities of the four options, rather than the mechanics of management. The main areas of feedback from the current permit holders were that the IFCA might not have the resources to manage two fisheries and that the current system was well understood by fishers. The main comments from the current TECFO licence holders reflected their feeling that the current rules and systems were well understood and, in their view, work.

## Illustrative examples of feedback

### ***New Bermuda 7***

#### *Current CFFPB holders*

- Good for existing TECFO, they know the process. Again up to KEIFCA on simple and easy to enforce, will shake up permits, and make sure responsible skippers run boats.

### ***New Bermuda 28***

#### *Current TECFO licence holders*

- We all know and understand the current fishery and its rules. The current fishery is self-funding and does not overburden the finances of the supporting councils.
- Clear plan that works already
- Unless the panel has full knowledge of an Industry that is world class and supporting the local economy using the Kent County Council model of issuing contracts or licences for anything that is not fishery related seems absurd.

#### *Current CFFPB permit holders*

- Less paperwork but another closed shop which is unacceptable

## Officer comment

Although there is no specific guidance for IFCA on making regulating orders, DEFRA guidance on making byelaws stresses the importance of being able to review legislation and adapt legislation. Guidance from the treasury also stresses as best practice the need to be able to review, learn and adapt policies. From a fisheries management perspective the ability to review and alter the number of licences would allow the Authority to adapt fisheries management within the new regulating order to a changing environment and changing stocks allowing the Authority to maximise economic potential within environmental limits, the NEW JAMAICA and NEW HAITI options both provide this flexibility.

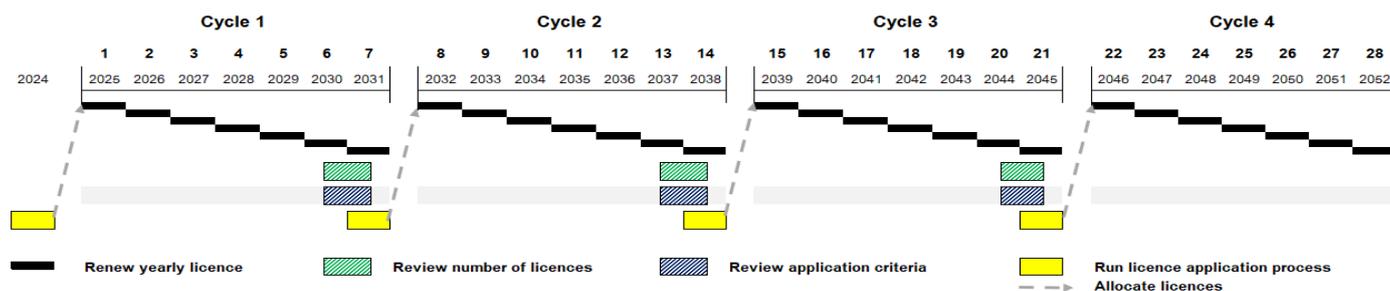
A lot of the criteria used to evaluate licence applications came from the priorities and issues identified by the cockle industry, local fishermen and coastal communities in the Listening Phase. The licencing cycle incentives businesses applying for a licence to invest in these priorities.

## Appendix 1 Detail of the 7-year licencing and review cycle

In developing the structure for a new regulating order there are two important questions that need to be answered how often the Authority will review the number of licences it issues under the regulating order and following on from this how long a licence would last for. KEIFCA members reviewed a range of different cycle lengths from annual cycles to 10-year review cycles.

The challenge with reviewing and then issuing licences on an annual basis are many and significant, but centre around the difficulties that businesses would face in a system where the number of licences issued to fish could vary significantly from one year to the next and only be known 1 to 2 months before the fishery would be opened. Business and investment planning would be especially difficult in such a fluctuating system.

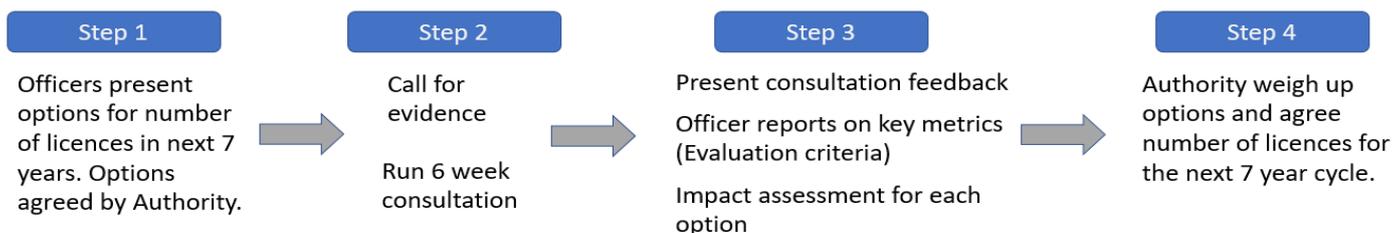
The Authority members therefore reviewed a range of longer cycles and considered the evidence and process the Authority could use to review and then issue licences. Longer cycles provided business with a longer time to invest and to monitor impacts but reduced the ability and opportunity to change and modify the number of licences. The Authority arrived at a 7-year cycle as a balance between these competing demands.



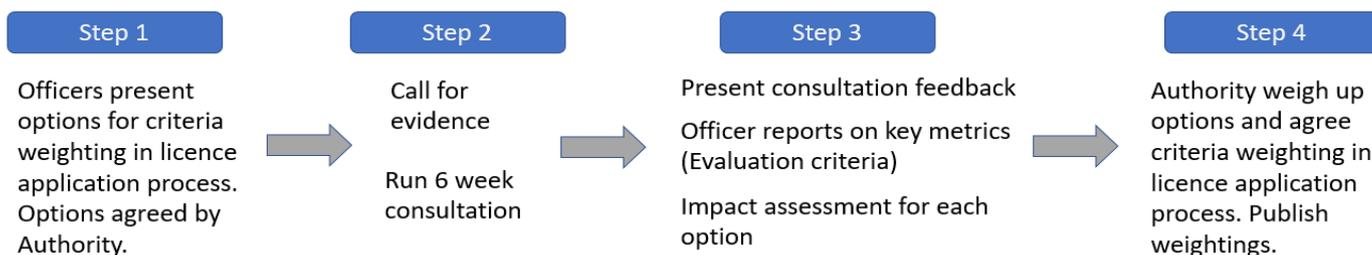
The new regulating order would be designed to run for 28 years (2025 - 2053) and be split into four 7-year licencing cycles. Licences would be renewed and issued annually to the same licence holders from year 1 to year 7 in each cycle, in the same or a similar way to how they are under the TECFO 1994 system. The licence application process for the following 7-year cycle would take place in the year prior to the start of each cycle (See Appendix 3 for more details). Before starting the licence application process KEIFCA will review and agree both the number of licences it will issue in the next 7-year cycle as well as the application criteria weighting, and process applicants will use to apply for a licence. Both reviews will assess all relevant information and ask stakeholders for feedback on any proposed changes.

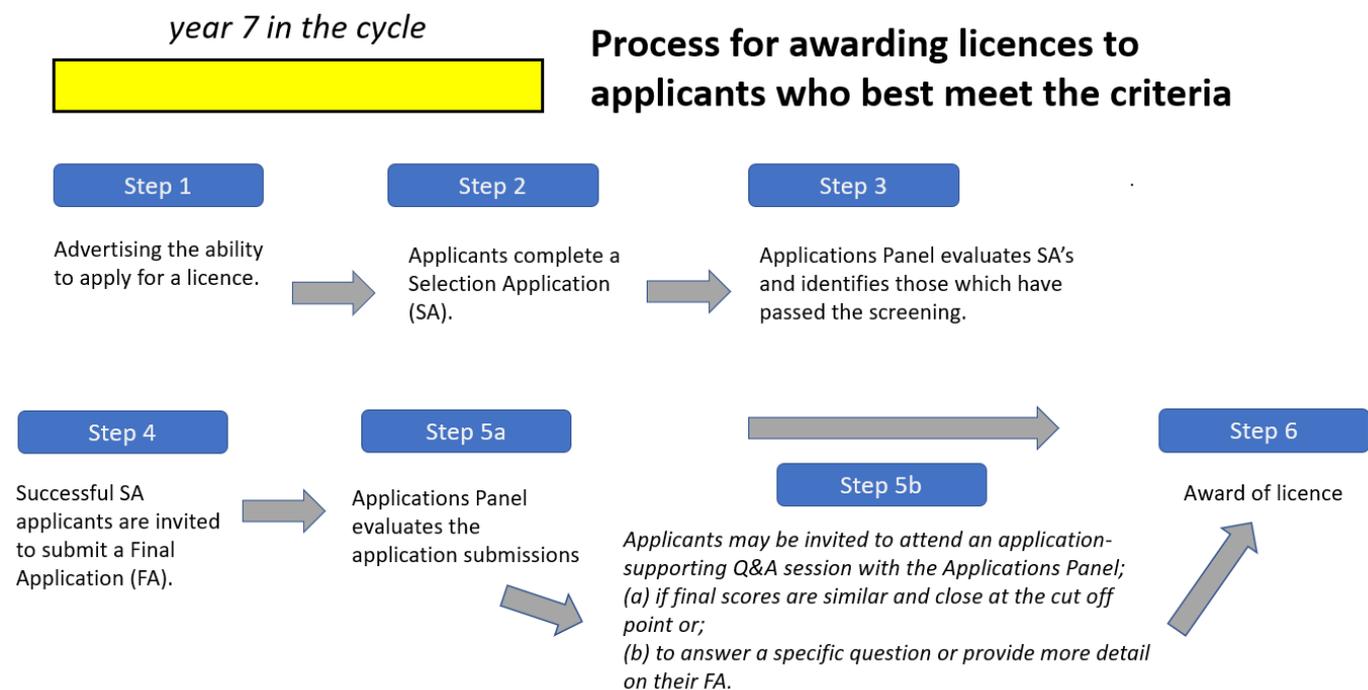


### Review number of licences



### Review weighting of criteria





The process and framework for issuing licences under the new regulating order was always going to result in difficult and controversial decisions being made as KEIFCA recognises that it is highly likely that there will be more applications than licences issued, which will leave some applicants disappointed.

KEIFCA works closely with Kent County Council (KCC), and the Council has significant experience and expertise in running different licence application processes. The intention is to work with a specialist team at KCC who develop processes to issues licenses for wide range of other sectors from taxi licensing to waste disposal licences and are used to working with different types and sizes of businesses. Using KCCs standard process, the first step would be to advertise the opportunity to apply for a licence, with applicants required to complete a Selection Application (SA). An Applications Panel would then screen and evaluate the questionnaires, with successful applicants invited to make a far more detailed Final Application (FA).

The Applications Panel would evaluate and score the FA submissions against clear published criteria in specified categories. Each criterion will be assigned a weighted score, weighting the scores means that criteria which the Authority decides have a higher priority attract a higher score then those criteria which have a lower priority. Total scores will be used to rank applications and licences would be awarded in descending scores order starting with those with the highest scores until all available licences have been issued.

If the final scores are the same or similar for two or more applications and at the cut-off point where applicants would or would not receive a licence, the relevant applicants would be invited to a special meeting of the Applications Panel and asked to orally run through their application and answer questions on their application from the Panel. Application Panel members would then carry out an additional scoring of those applications. The Applications Panel could also invite an applicant to attend and answer a specific question or add specific detail from a section of the application.

## Appendix 3 The criteria used to evaluate applications

Traditionally the fishing rights or licences have been allocated to fishers that can prove they worked in a fishery over a given period. This approach is especially difficult when the current TECFO creates a limited entry fishery, resulting in excluded fishers being unable to create a track record. The current Cockle Fishery Flexible Permit Byelaw (CFFPB) has very basic entry requirements and provides another possible avenue for a track record approach, however there are a significant number of permit holders with near identical track records and transferring this into a ranked list of applicants does not work as too many applicants are on the same ranking score.

Working with Kent County Council, there is the opportunity to develop new application criteria that build on the feedback and priorities identified in the Listening Phase and allow applications to be ranked against these priorities. Due to the detail involved, the relative weightings of different criteria and the scoring scale of each criterion would be addressed in detail in Consultation 3, if either the NEW JAMAICA, NEW HAITI and NEW BERMUDA 7 options were selected. It would then be the Authority's intention to develop 2-3 application frameworks each with different criteria weightings and consult on these options as part of the Consultation 3 process.

Category	Criteria	Rationale
Experience	Relevant experience of cockle fishing in the Thames (TECFO - track record)	Each of these criteria allow applicants to show that they have experience of fishing for cockles and/or fishing within the KEIFCA District. Having separate criteria for fishing within a regulating order, under a permit byelaw, general fishing within the District and fishing for cockles elsewhere allows applicants who have not fished in the regulating order prior to their application to provide evidence that if given the opportunity to do so that they have the experience to do so successfully and in compliance with all relevant legislation.
	Relevant experience of cockle fishing in the Thames (Permit fishery - track record)	
	Relevant experience of fishing in the Thames. (General fisheries track record)	
	Relevant experience cockle fishing outside the KEIFCA district but with the UK	
	Compliance track record	
Socio-economics	Evidence of cooking/processing cockles caught in the Thames in factories with the KEIFCA district	Processing within the District maximises the economic return within the local community of harvesting cockles, rather than the catching operation being the sole source of economic return. Even a small cooking plant can triple the number of employees within a company compared to the number employed solely within the catching operation of a cockle vessel. Further processing operations may increase this again. This criterion allows the applicant to show that they are investing in the fishing sector at a level which is wider than just catching cockles and then removing any future socioeconomic benefits to other areas outside of the KEIFCA District.
	Evidence showing company supporting skilled local employment, apprenticeships or equivalent	This criterion allows an applicant to show that they are creating opportunities for local employment and is encouraging new entrants into the fishing industry, with a particular focus on recruitment of younger fishers.
	Evidence showing company supporting local supply chains	Whilst the cockle industry is relatively small, a large range of other companies, services and suppliers are required in supporting the fleet. This criterion allows applicants to show that they are sourcing as much of their supporting functions as possible from local suppliers.
	Examples of the steps the company adding value to landings	The way that cockles are handled, processed, sold and under what certification can change the financial return of a fixed quantity of cockles. This criterion allows an applicant to show how they are maximising the value of their catch.
	Examples of company taking steps to support the wider community	Whilst the harvesting of cockles is undertaken by a limited number of individuals, the fishery remains a public asset. This criterion allows an applicant to show how they support the wider community of people who are not directly involved with the fish catching sector.
Environmental Impact	Examples of company taking steps to reducing impact of gear on both the cockle stocks and on the seabed	Bottom towed gear does have an impact on the seabed, however the suction dredges used in the cockle fishery are the method with the greatest efficacy within the Thames. This criterion allows applicants to show how they are continually improving the fishing gear used in the fishery to minimise its impact upon the seabed and the cockles left on the beds after fishing.
	Examples of company taking steps to reduce CO2 emissions	This criterion allows applicants to show how they are reducing their carbon footprint and the wider environmental impact of their fishing operations.

